

File No. 230261

Committee Item No. 7

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee Date March 22, 2023

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

#### OTHER (Use back side if additional space is needed)

- AHSC NOFA Round 7 1/30/2023
- AHSC Guidelines 12/15/2022
- Board Ordinance No. 124-05 6/21/2005
- Board Ordinance No. 99-06 5/9/2006
- Board Ordinance No. 84-15 6/16/2015
- Board Ordinance No. 62-16 4/26/2016
- Board Ordinance No. 9-23 1/24/2023
- Board Motion No. 04-67 6/15/2004
- Board Resolution No. 612-04 9/28/2004
- SFRA Commission Resolution No. 11-2005 1/25/2005

Completed by: Brent Jalipa Date March 17, 2023

Completed by: Brent Jalipa Date \_\_\_\_\_

1 [Apply for Grant - Mercy Housing California - Assumption of Liability - Department of Housing  
2 and Community Development Affordable Housing and Sustainable Communities Program -  
Transbay 2 East Family]

3

4 **Resolution authorizing the Mayor’s Office of Housing and Community Development on**  
5 **behalf of the City and County of San Francisco to execute a grant application, as**  
6 **defined herein, under the Department of Housing and Community Development**  
7 **Affordable Housing and Sustainable Communities (“AHSC”) Program as a joint**  
8 **applicant with Mercy Housing California, for the 100% affordable housing project**  
9 **identified as Transbay 2 East Family; authorizing the City to assume any joint and**  
10 **several liability for completion of the projects required by the terms of any grant**  
11 **awarded under the AHSC Program; and adopting findings under the California**  
12 **Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code,**  
13 **Chapter 31.**

14

15 WHEREAS, The State of California, the Strategic Growth Council (“SGC”) and the  
16 Department of Housing and Community Development (“Department”) has issued a Notice of  
17 Funding Availability (“NOFA”) dated January 30, 2023, under the Affordable Housing and  
18 Sustainable Communities (“AHSC”) Program established under Division 44, Part 1 of the  
19 Public Resources, Code commencing with Section 75200; and

20 WHEREAS, The SGC is authorized to approve funding allocations for the AHSC  
21 Program, subject to the terms and conditions of the NOFA, AHSC Program Guidelines  
22 adopted by SGC on December 15, 2022 (“Program Guidelines”), an application package  
23 released by the Department for the AHSC Program (“Application Package”), and an AHSC  
24 standard agreement with the State of California (“Standard Agreement”), the Department is  
25 authorized to administer the approved funding allocations of the AHSC Program; and

1           WHEREAS, The AHSC Program provides grants and loans to applicants identified  
2 through a competitive process for the development of projects that, per the Program  
3 Guidelines, will create new affordable housing and achieve greenhouse gas reductions and  
4 benefit disadvantaged communities through increased accessibility to affordable housing,  
5 employment centers and key destinations via low-carbon transportation; and

6           WHEREAS, The AHSC Program requires that joint applicants for a project will be held  
7 jointly and severally liable for completion of such project; and

8           WHEREAS, Mercy Housing California (“Developer”), has requested the City and  
9 County of San Francisco (the “City”), acting by and through the Mayor’s Office of Housing and  
10 Community Development (“MOHCD”), to be a joint applicant for a 17 story, 184 unit, 100%  
11 affordable housing project, including 40 units reserved for homeless or formally homeless  
12 families (the “Project”) identified as Transbay 2 East Family (“Transbay 2 East Family”); and

13           WHEREAS, The Project is located on Block 2 of Zone One of the Transbay  
14 Redevelopment Project Area and subject to the land use controls set forth in the  
15 Redevelopment Plan for the Transbay Redevelopment Project Area (approved by Ordinance  
16 No. 124-05 (June 21, 2005) and by Ordinance No. 99-06 (May 9, 2006), and amended by  
17 Ordinance No. 84-15 (June 18, 2015), Ordinance No. 62-16 (April 28, 2016), and Ordinance  
18 No. 009-23 (January 24, 2023) (“Redevelopment Plan”) and Development Controls and  
19 Design Guidelines for the Transbay Redevelopment Project Area, as administered and  
20 enforced by the Successor Agency to the Redevelopment Agency of the City and County of  
21 San Francisco (“Successor Agency”); on June 15, 2004, the Board of Supervisors affirmed, by  
22 Motion No. 04-67, the certification under the California Environmental Quality Act (California  
23 Public Resources Code, Sections 21000 et seq., and the CEQA Guidelines (14 California  
24 Code of Regulations, Sections 15000 et. Seq. (“CEQA Guidelines”, and collectively “CEQA”))  
25 of the Final Environmental Impact Statement/Environmental Impact Report (“Final

1 Environmental Document”) for the Transbay Terminal/Caltrain Downtown  
2 Extension/Redevelopment Project (“EIS/EIR Project”), which included the Redevelopment  
3 Plan; subsequently, the Board of Supervisors adopted, by Resolution No. 612-04 (October 7,  
4 2004), findings that various actions related to the EIS/EIR Project complied with CEQA and  
5 the Redevelopment Agency of the City and County of San Francisco Commission adopted, by  
6 Resolution No. 11-2005 (January 25, 2005), findings and a statement of overriding  
7 considerations and a mitigation monitoring and reporting program, adopted in accordance with  
8 CEQA. Subsequent to the adoption of the Final Environmental Document and the findings, the  
9 former Redevelopment Agency of the City and County of San Francisco or the Successor  
10 Agency have approved and incorporated ten addenda into the analysis of the Final  
11 Environmental Document (as incorporated, the “FEIS/EIR”) and made requisite findings under  
12 CEQA.

13 WHEREAS, The Department of Public Works (“DPW”) plans to perform bicycle and  
14 pedestrian improvements in the vicinity of the Project (the “DPW Work”); and

15 WHEREAS, In order to be highly competitive for the AHSC funds, the Developer and  
16 MOHCD will also apply for AHSC grant funds to purchase two BART cars and fund  
17 improvements to the Embarcadero BART station (“the BART Work”) to further reduce  
18 greenhouse gas emissions; and

19 WHEREAS, BART and the Developer will enter into a memorandum of understanding  
20 regarding the purchase of the BART cars and BART work; and

21 WHEREAS, The City, acting by and through MOHCD, desires to apply for AHSC  
22 Program funds and submit an Application Package as a joint applicant with the Developer;  
23 and

24 WHEREAS, DPW and MOHCD will enter into a Memorandum of Understanding to  
25 make commitments related to completion of the DPW Work as included in the Application

1 Package; and

2 WHEREAS, The City, acting by and through MOHCD, desires to apply for AHSC  
3 Program funds and submit an Application Package as a joint applicant with the Developer;  
4 now, therefore, be it

5 RESOLVED, That the Board of Supervisors delegates to MOHCD, on behalf of the  
6 City, the authority to execute an application to the AHSC Program as detailed in the NOFA  
7 dated January 30, 2023, for Round 7, in a total amount not to exceed \$50,000,000 of which  
8 up to \$35,000,000 will be provided as a loan to the Developer for the Project as an Affordable  
9 Housing Development (“AHD”) (“AHSC Loan”) and a grant to the City for Housing-Related  
10 Infrastructure (“HRI”); and up to \$15,000,000 will be provided as a grant to the City, BART,  
11 and the Developer for Sustainable Transportation Infrastructure (“STI”), Transit-Related  
12 Amenities (“TRA”) or Program (“PGM”) activities (“AHSC Grant”) as defined the AHSC  
13 Program Guidelines and sign AHSC Program documents; and, be it

14 FURTHER RESOLVED, The Board of Supervisors specifically agrees that the City  
15 shall assume any joint and several liability for completion of the Project required by the terms  
16 of any grant awarded to the City and any loan awarded to the Developer under the AHSC  
17 Program; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors acknowledges that if the  
19 Application is successful, the City, through MOHCD, shall seek Board of Supervisors approval  
20 of the Standard Agreement, with terms and conditions that AHSC Program funds are to be  
21 used for allowable capital asset project expenditures to be identified in Exhibit A of the  
22 Standard Agreement, that the Application Package in full is incorporated as part of the  
23 Standard Agreement, and that any and all activities funded, information provided, and  
24 timelines represented in the application are enforceable through the Standard Agreement;  
25 and, be it

1           FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
2 MOHCD (or his designee) to execute and deliver any documents in the name of the City that  
3 are necessary, appropriate or advisable to secure the AHSC Program funds from the  
4 Department, and all amendments thereto, and complete the transactions contemplated herein  
5 and to use the funds for eligible capital asset(s) in the manner presented in the application as  
6 approved by the Department and in accordance with the NOFA and Program Guidelines and  
7 Application Package; and, be it

8           FURTHER RESOLVED, That all actions authorized and directed by this Resolution and  
9 heretofore taken are ratified, approved, and confirmed by this Board of Supervisors.

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RECOMMENDED:

/s/ \_\_\_\_\_

Eric D. Shaw, Director,  
Mayor’s Office of Housing and Community Development

# Affordable Housing and Sustainable Communities Program (AHSC)

NOFA Round 7 (January 30, 2023)

## Funding Application



CALIFORNIA STRATEGIC GROWTH COUNCIL



## State of California

Gavin Newsom, [Governor](#)

## Business, Consumer Services and Housing Agency

Lourdes M. Castro Ramirez, [Secretary](#)

<https://www.bcsb.ca.gov/>

## California Strategic Growth Council

Lynn von Koch-Liebert, [Executive Director](#)

[ahsc@sgc.ca.gov](mailto:ahsc@sgc.ca.gov)

<https://sgc.ca.gov>

## Department of Housing and Community Development (HCD)

Gustavo Velasquez, [Director](#)

2020 West El Camino Avenue, Suite 150, Sacramento, CA 95833

[AHSC@hcd.ca.gov](mailto:AHSC@hcd.ca.gov)

<https://www.hcd.ca.gov>

## Instructions

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When opening this file, a yellow banner at the top may appear with a button that says, "Enable Editing", and/or "Enable Macros". It is essential that you click this box(es) so that the macros are enabled. Enabling macros is necessary for full workbook/application functionality.

**WARNING: Partial functionality** of this application/workbook **WILL BE LOST** when using **Apple Mac Computers**. The Department **highly** recommends using PC Computers and Microsoft Office 2013 or newer to complete the application.

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Application materials must be submitted electronically via HCD portal system. Requirements for uploading the Application Workbook and required supporting documentation, including naming conventions, are described in the application instructions available at <https://www.hcd.ca.gov/grants-and-funding/programs-active/affordable-housing-and-sustainable-communities>

Sponsor/Applicant must upload all application materials to HCD portal no later than 4:00 p.m. Pacific Daylight Time on **4/4/2023**

Application must be on the Department's forms and cannot be altered or modified by the Sponsor/Applicant. Excel Application must be in Excel format, not a PDF document.

If the Sponsor/Applicant discover any errors within application, use the Application Support tab and email the entire workbook to [AppSupport@hcd.ca.gov](mailto:AppSupport@hcd.ca.gov)

**It is recommended that Applicant(s) start from left to right and top to bottom for a better understanding and functionality of this application.**

Additional instructions and guidance are given throughout the Application in "red" text and in cell comments. Cell Notes/Comments are very important to read as some of these will provide directions for completing your application.

"Yellow" cells are for Applicant input. It is very important that you answer **ALL** yellow cells, failure to provide all information may disqualify your application from consideration or may negatively impact your point score.

"Orange" cells are **required** attachments. Failure to provide the required attachments and documentation may disqualify your application from consideration or may negatively impact your point score. Electronically attached files must use the naming convention in the Application.

"Blue" cells are self-score points awarded in the "Scoring" worksheet. These are automated calculations based on the inputs provided by the Sponsor/Applicant.

"Red" cells indicate the Applicant(s) has failed to meet a requirement of the program, threshold, scoring, upload, or certification.

**Disclosure of Application:** Information provided in the application will become a public record available for review by the public, pursuant to the California Public Records Act (Government Code Sections 6250-6276.48). As such, any materials provided are subject to disclosure to any person making a request under this Act. The Department cautions Applicants to use discretion in providing information not specifically requested, including but not limited to, bank account numbers, social security numbers, personal phone numbers, and home addresses. By providing this information to the Department, the Applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

HCD APP#:

Project Area Type  Housing Type  Geographic Area

“Optional Answer” will not affect application review or ranking. Applicant(s) or Joint Venture Entity meets CDLAC Definition of BIPOC Organization? per CDLAC 523(f)(1)(B), TCAC 10327(c)(2)(E)?

Select Yes to all that apply

Affordable Housing Development (AHD)	<input type="text"/>
Housing Related Infrastructure (HRI)	<input type="text"/>
Sustainable Transportation Infrastructure (STI)	<input type="text"/>
Transportation-Related Amenities (TRA)	<input type="text"/>
Program Costs (PGM)	<input type="text"/>

Project / Program	TDC	AHSC Funds Requested	%	Total Non-AHSC Funding Commitments
AHD	\$0	\$0	0.00%	\$0
HRI	\$0	\$0	0.00%	
STI	\$0	\$0	0.00%	
TRA	\$0	\$0	0.00%	
PGM	\$0	\$0	0.00%	
AHD & HRI Total	\$0	\$0	0.00%	\$0
Grand Total	\$0	\$0	0.00%	\$0

Was Project awarded funds in prior AHSC rounds?	<input type="text"/>
Is Project a phase of a previously awarded project?	<input type="text"/>
Select Metropolitan Planning Org. or "non-MPO area"	<input type="text"/>

**Has the Applicant(s) applied, plan to apply, or been awarded other HCD program funds for this proposed Project?**

**NOFA Section II (C)(2)**

Applicant(s) acknowledges that a single Developer may receive no more than \$100 million per NOFA funding cycle. This limitation may be waived by SGC if necessary, to meet statutory requirements referenced in Guidelines §108.

Utilizing Tax Credits?

Is the Project a scattered site housing Project? UMR §8303(b)

Total Units	LIHTC Units	Project Site Area	Units per Acre	Age Restrictions	Special Facility Type	Tenure Type	Rental Subsidy?	Commercial Space?	Relocation Required?
0		Acres	0 Per Acre						
Operating Subsidy?		HUD 811 Project?		Any type of demolition required?					
Number of buildings?		Total building(s) stories?		Number of elevators?		Total Homeownership square Feet?			
Total Commercial square feet?		Total Residential Rental square feet?		Total Residential Non-rental square feet?					
Total Mixed-use Space (square feet)									

For Operating Subsidies: Provide evidence of commitment status (e.g., letters of intent, commitment letters, grant awards or subsidy contracts). If commitments are not available, provide other documentation such as a reservation or third-party letter stating the following: total subsidy and estimated first year allocation, date or expected date of award, and term (in years). For Project-Based Rental Assistance: Projects having or proposing project-based rental assistance must provide documentation of current contract Rents. A fully executed subsidy contract shall be required prior loan closing. Projects having or proposing project-based rental assistance shall fund a Transition Reserve in accordance with MHP §7312(f)(2).

File Name:	Operating Subsidy Commitment	Documentation evidencing commitment of Operating Subsidies including source, term (in years), total subsidy amount, and estimated first year allocation.	Uploaded to HCD?	<input type="text"/>
File Name:	Current Contract Rents	Projects proposing project-based rental assistance: Provide documentation of current contract rents for HAP, Shelter Plus or other source, as applicable.	Uploaded to HCD?	<input type="text"/>

**§105 Eligible Applicants**

(a) Applicant(s) acknowledges and understand the requirement of "Eligible Applicants"

(1) Eligible applicant entities shall include any of the following:

- (A) A Locality, public housing authority, redevelopment successor agency, transit agency or transit operator, Regional Transportation Planning Agency (RTPA), local Transportation Commission, Congestion Management Agency, Joint Powers Authority (JPA), school district, facilities district, University or Community College District.

(i) For STI or TRA components only, an applicant may provide an executed agreement with a specific Locality or transportation agency non-applicant for the completion of the STI or TRA components of the AHSC Project for which funding is sought.

- (B) A Developer or Program Operator.
- (C) A Tribal Entity whose Project meets requirements listed in detail in Appendix B.

Is Project being proposed by a **Tribal Entity** and meets requirements listed in detail in Appendix B?

A special purpose entity formed and controlled by the Developer, and which will serve as the ultimate borrower of AHSC loan funds, is not an eligible Applicant. A (2) special purpose entity ultimate borrower meeting the requirements of UMR §8313.2 may be listed on the AHSC Program application in the appropriate, designated fields for listing such a borrower entity.

Single purpose entities not meeting the requirements of a special purpose entity pursuant to UMR §8313.2, whether serving as an intermediate entity within (A) the ultimate borrower structure or not, are not Eligible Applicants. Such single purpose entities will not be included as a separate party on any AHSC Program legal documents, including but not limited to, Standard Agreements, nor are they eligible to be Recipients or payees of AHSC Program funds.

(3) Where a Public Agency has a real property interest in the proposed Project, the application must include the Public Agency as a joint Applicant or otherwise include a commitment to enter into a contractual agreement to develop the Project, if it is awarded.

## Project Overview

V1 1/30/23

Will a Public Agency have a real property interest in the proposed Project?

Will the Application include the Public Agency as a joint applicant?

- (4) All eligible Applicants appearing on the application for the Project will be held jointly and severally liable for the completion of the Project and as such, will each sign all Standard Agreements to the award of AHSC funds.

- (A) A Recipient of Department funds must remain liable for performing all requirements of the award of funds as set forth in the Standard Agreement. Where there are multiple Recipients, all such Recipients must remain jointly and severally liable to the Department for that performance. Notwithstanding the foregoing, Recipients may indemnify each other by entering into agreements with one another as to individual Capital Projects. In no event will any such agreement alter, amend, or revoke each individual Recipient's obligations to the Department, including the joint and several liability.

“Developer” means the entity that the Department and the Council rely upon for experience, site control, and capacity, and which controls (1) the Affordable Housing Development during development and through occupancy or the Housing Related Infrastructure during development and through completion, (2) the Sustainable Transportation Infrastructure during development and through operation, or (3) the Transit-Related Amenities during development and through Operation.

<b>Applicant #1</b>	Entity name		
Eligible applicant type		Organization type	
File Name	App1 Cert & Legal Disclosure	<a href="#">Reference: Applicant Certification Worksheet.</a>	Uploaded to HCD?
File Name	App1 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	Uploaded to HCD?
File Name	App1 Org Chart	Applicant Organization Chart.	Uploaded to HCD?
File Name	App1 Signature Block	Signature Block - upload in Microsoft Word Document.	Uploaded to HCD?
File Name	App1 Cert of Good Standing	Dated 30 days or less from the application due date.	Uploaded to HCD?
File Name	App1 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	Uploaded to HCD?

<b>Applicant #2</b>	Entity name		
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<b>Applicant #3</b>	Entity name		
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<b>Applicant #4</b>	Entity name		
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<b>Owner/Borrower</b>	Entity name		
File Name	Owner Cert & Legal Disclosure	<a href="#">Reference: Applicant Certification Worksheet.</a>	Uploaded to HCD?
File Name	Owner OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	Uploaded to HCD?
File Name	Owner Org Chart	Owner Organization Chart.	Uploaded to HCD?
File Name	Owner Signature Block	Signature Block - upload in Microsoft Word Document.	Uploaded to HCD?
File Name	Owner Cert of Good Standing	Dated 30 days or less from the application due date.	Uploaded to HCD?
File Name	Owner Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	Uploaded to HCD?

<b>Managing General Partner</b>	Entity name		
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<b>Administrative General Partner #1</b>	Entity name		
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<b>Administrative General Partner #2</b>	Entity name		
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## Development Team Contacts and Legislative Information

Contact Type	Entity Legal Name	Eligible Sponsor Type
Applicant #1		
Owner / Borrower Entity		
Transit Agency Partner (applicable to STI and TRA components)		
Property Management Agent		
Financial Consultant		
Lead (primary) Service Provider		
Borrower Legal Counsel		
General Contractor		
Architect		
Other (Specify)		

Congress person Name(s)	District #	State Senator Name(s)





End of Document









State	Zip Code

<b>Project Name</b>	
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**Replacement Reserve Calculator UMR §8309**

(a)	0.6% of New construction costs (structures excluding contractor profit, overhead, and \$500 per unit: (This is a placeholder for rehab projects and may be subject to higher a
(b)	Replacement Reserve Amount = <i>New construction: lesser of (a) and (b); Rehab: (b)</i> HCD Required Replacement Reserve Amount - <i>included in "Operating budget" tab</i>

**Operating Reserve Calculator**

1	Total Operating Expenses Excluding On-Site Se <i>Operating Budget Cell (E111) minus Operat</i>	
	(a) Total Operating Expenses:	\$0
	(b) <i>Minus: On-Site Service Coordinator Salaries:</i>	\$0
2	Replacement Reserve amount from <i>above: (Cell AJ10)</i>	
3	Debt Service (including all HCD 0.42% Fees and Bond Issuer Fee)	
	<b>Name of Lender</b> <i>Operating Budget cells (D123 to D132)</i>	
	Misc	

If Reserve amounts are different than the required amount, enter Reserve amounts and how

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Does the Project propose use of Project-based rental assistance?

End

**erve Requirements**

	<b>Number of Project Units:</b>	0
--	---------------------------------	---

general requirements and insurance): (amount)	\$0	\$0
	\$500	\$0
		\$0
		\$0

Service Coordinator Salaries. <i>Using Budget Cell (E105)</i>		TAX CREDIT Project 3 Month Reserve Required	NON-TAX CREDIT Project 4 Month Reserve Required
Amount subject to reserve calculation: <i>(a - b)</i>	\$0	<b>\$0</b>	<b>\$0</b>
	\$0	<b>\$0</b>	<b>\$0</b>

	Annual Debt Service Amount	TAX CREDIT Project 3 Month Reserve Required	NON-TAX CREDIT Project 4 Month Reserve Required
1st Mortgage Debt Service	\$0	\$0	\$0
2nd Mortgage Debt Service	\$0	\$0	\$0
3rd Mortgage Debt Service	\$0	\$0	\$0
AHSC .42% Fee	\$0	\$0	\$0
Other HCD .42% (Specify)	\$0	\$0	\$0
Bond Issuer Fee	\$0	\$0	\$0
ellaneous Financial Expenses (specify)	\$0	\$0	\$0
ellaneous Financial Expenses (specify)	\$0	\$0	\$0
ellaneous Financial Expenses (specify)	\$0	\$0	\$0
ellaneous Financial Expenses (specify)	\$0	\$0	\$0
Other (Specify)		\$0	\$0
<b>Totals</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>UMR Required Operating Reserve Amount:</b>		<b>\$0</b>	<b>\$0</b>

they are calculated below:

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of Document

§106 Threshold Requirements

(a) Application Threshold Requirements: In addition to requirements detailed in Sections Department all the following:

(1) Applicant(s) certifies that the proposed Project will achieve a reduction in GHG e Program Quantification Methodology, available on the California Air Resources E Materials webpage. This must be evidenced by a completed GHG Benefits Calc each Project component.

[CARB Quantification Methodology](#)

(2) Applicant(s) certifies that the proposed Project supports the implementation of th Planning Organization (MPO), or equivalent sustainable planning document in n application must be consistent with activities or strategies identified in the region GHG.

(3) Applicant(s) certifies that the proposed Project must be consistent with the State

(4) Applicant(s) certifies that all proposed Affordable Housing Developments locatec card to each Restricted Unit for at least 3 years. If the transit agency does not pr average commute length rides a month as determined by the transit agency. Th

(5) Applicant(s) certifies that Applicants of all proposed rental Affordable Housing D compliance by submitting a draft of the development's Smoke Free Housing leas

(6) The AHSC-funded components of the Project must:

(A) Applicant(s) certifies to incorporate more than one Urban Greening feature for the maintenance of the Urban Greening features in the Project, even if r owners. Applicants must propose at least \$200,000 in reasonable direct Url

Urban Greening costs:	AHD:	\$0	HRI:	\$0

(B) Applicant(s) certifies that the Project include adequate lighting in accordanc accessible components of the Project including active transportation routes

(7) Applicant(s) certifies to the completion and approval or adoption of all necessary Quality Act (CEQA) and if applicable, the National Environmental Policy Act (NE after the application due date with lawsuits or appeals resolved. Proof of NEPA c

(B) Applicants are not required to complete any necessary environmental clear application deadline.

(8) Applications must demonstrate that all necessary discretionary local land use approvals have been obtained. Have all necessary discretionary local land use approvals, excluding design review, been obtained?

(9) Applicant(s) certifies that the application is sufficiently complete to assess the feasibility of the project. Do the application materials demonstrate that the project is feasible?

(10) Applicant(s) certifies that the applicant must demonstrate that the Project is financially feasible. **Funding Commitments**, a market study which meets the requirements specified in the RFP, including a financial statement, proposed operating budget, multi-year pro-forma, or other feasibility study for the project. Housing Development.

Does the Market study demonstrate the AHD/HRI Project is financially feasible?

(11) Applicant(s) certifies that the Eligible Applicant or Locality serving as the Developer for the Project is located on the land on which that Project component will be located as set forth at UMR §8303 and §8304 through the award date.

(A) The following shall apply to Capital Projects:

Where site control is in the name of another entity, the Applicant shall demonstrate that the Applicant has the right to acquire the site. (i) (e.g., a purchase and sale agreement, an option, a leasehold interest/lease, or a deed from a public agency for the acquisition of the site), which clearly demonstrates that the Applicant has the right to acquire the site.

Where site control will be satisfied by a long-term ground lease, the Developer shall demonstrate that the Developer has the right to acquire the site. (ii) at the time of closing, which shall be entered into by and among the grantor and the Developer. In all cases, the lease rider shall be recorded against the fee interest in the site.

(B) For Capital Projects developed in Indian country, the following exceptions apply:

(i) Where site control is a ground lease, the lease agreement between the grantor and the Developer.

(ii) An attorney's opinion regarding chain of title and current title status is not required.

(12) Applicant(s) certifies to demonstrate experience by providing evidence of at least one (1) project (in scope and size, **which have been completed by the Applicant since the application due date**). If an Applicant relies upon the experience of its Principal to demonstrate that the Applicant has the experience required as set forth in the application, in addition to recent project experience is required as set forth in the application, in addition to recent project experience.

Note: AHD/HRI Developer has to be the entity with experience per the Guidelines.

(13) Applicant(s) certifies that as of the date of application, the Applicant(s), the Project, and the Locality are not the subject of any claim or action in the state or federal courts that affects or potentially affects the Project. Describe any claim or action undertaken by or against the Applicant(s), the Project, and the Locality.



- (B) Applicant(s) certifies the Affordable Housing Development, Housing Related funds are not and will not be supplanted by AHSC Program funds.

- (C) Proposed Projects involving new construction or Substantial Rehabilitation of bedrooms in the new Project is at least equal to the number of bedrooms in may exist on separate parcels provided all parcels are part of the same Project.

- (i) The Department may approve Projects involving new construction or Substantial Rehabilitation result in a number of bedrooms less than the number in the demolished structures, the livability of the remaining units, or serve some other compelling public interest units upon Project completion.

Will the proposed Project involve new construction or Substantial Rehabilitation of bedrooms less than the number in the demolished structures?

Will the proposed Project involve new construction or Substantial Rehabilitation of bedrooms less than the number in the demolished structures?

- (D) If the Affordable Housing Development, Housing Related Infrastructure, or other household households, the application must demonstrate the replacement of demolished number of the demolished Affordable Units located within comparable accessible areas.

Will the proposed Project involve the demolition of existing units that are affordable?

- (E) Applicants must demonstrate the proposed Affordable Housing Development will affirmatively further fair housing.

Applicant(s) certifies to adopt a written non-discrimination policy to comply with Title VI of the Civil Rights Act of 1964 (42 USC Section 2000d et seq.); the Amendments Act of 1988; the California Fair Employment and Housing Act and all regulations promulgated pursuant to those statutes (including 24 CFR [affirmatively further fair housing](#)).

- (22) Applicants must affirm that the proposed Affordable Housing Development, or Micro-unit, is powered entirely through electricity with no connections to natural gas infrastructure. Only fuel-based backup power by regulation or code should consider the cleanest and then tier 4 compliant diesel. If a fossil fuel-based generator is installed, be advised AHSC Eligible Cost.

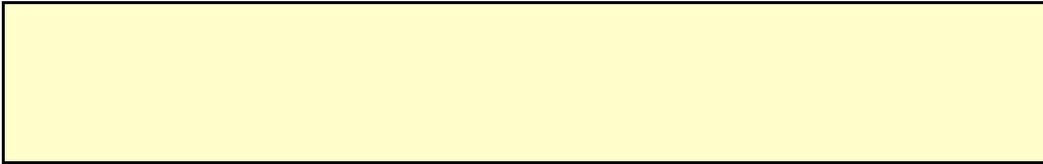
Applicant(s) certifies that the Project will be powered entirely through electricity and

- (24) Applications requesting AHSC Program funding for Program Costs must also demonstrate that the Program Costs are infeasible without AHSC Program funds.

- (A) Applicant(s) certifies that the Program Costs are infeasible without AHSC Program funds.

- (25) Applicant(s) acknowledges that all proposed AHSC Project components are subject to the requirements of 24 CFR 905.24.

- (26) Applicant(s) certifies to demonstrate that outreach and education on reducing greenhouse gas emissions and energy conservation are part of the Affordable Housing Development.



Applicant(s) certifies to comply with the Americans with Disabilities Act (ADA), the Violence Against Women Act (VAWA), requirements pursuant to MHP Guideline (27) persons with disabilities requiring the features of the accessible units in accordance with 24 CFR 10337(b)(2), as may be amended and renumbered from time to time). The Applicant certifies that all applicable local accessibility requirements are met.

(28) Affordable Housing Development and Housing Related Infrastructure components for nonresidential structures to residential, dwelling units must be capable of accommodating a minimum download speed of 10 megabits per second for downloading and 20 megabits (10 megabits for rural) per second for uploading.

- (A) Affordable Housing Development and Housing Related Infrastructure components must include, but not be limited to, pathways, wiring, cables, and other necessary infrastructure extended to each dwelling unit.
- (B) For some rural areas, other technologies like fixed wireless, might offer the most practical solution. Applicant(s) must discuss about their broadband internet infrastructure planning, as well as existing broadband services in the area.
- (C) Applicant(s) certifies to comply with high speed broadband internet service, of at least 10 megabits per second, free of charge to the tenants, and available within 6 months of the start of the project.

In addition to the Threshold Requirements above, Applicant(s) acknowledge, understand, and agree to the following:

§108 Application Process	
§109 Legal Documents	
§110 Reporting Requirements	
§111 Performance Requirements	
§112 Defaults and Cancellations	

Enclosure

## Threshold Requirements

102 through 105, to be eligible for AHSC Program funding, an application shall demonstrate to the

missions through fewer vehicle miles travelled (VMT), pursuant to the most recent AHSC Board's Climate Change Investments (CCI) Quantification, Benefits and Reporting calculator tool, described in the AHSC Application, displaying VMT and GHG reductions for

the applicable Sustainable Community Strategy (SCS), as confirmed by the Metropolitan on-MPO regions, as required by Public Resources code section 75210 et seq. The local SCS, or similar planning document that demonstrate a per capita reduction in VMT and

Planning Priorities established pursuant to Section 65041.1 of the Government Code.

in a jurisdiction that has fare-based transit must provide at least one (1) transit pass or provide passes with unlimited rides, the card or pass should have a minimum value of 40 these passes or cards may be paid for with AHSC funding pursuant to §103(b)(2).

developments must certify that the development will be smoke free and demonstrate the addendum.

with dedicated maintenance for at least two years. The grantee is ultimately responsible municipal ordinance assigns responsibility for their maintenance to adjacent property urban Greening costs.

STI:	\$0	TRA:	\$0	Meets threshold requirement?	FALSE
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in compliance with local, state, and federal design standards and requirements for all publicly owned and transit stations or stops.

of environmental clearances including those required under the California Environmental Protection Act (CEQA). All applicable time periods for filing appeals or lawsuits have lapsed within 30 days of the clearance is shown through an Authority to Use Grant Funds document.

ances prompted exclusively by rental and/or operating subsidies **prior** to the AHSC

approvals, excluding design review, have been granted.

ew, have been granted?

asibility of the proposed project and its compliance with AHSC Program and application

rially feasible as evidenced by documentation including, but not limited to, **Enforceable**  
d in the TCAC Regulations Section 10322(h)(10), project pro-forma, sources and uses  
documentation that is standard industry practice for the type of proposed Affordable

per of a particular component of the Project must demonstrate site control of the property  
**§8316 with the additional requirement that the Applicant shall maintain site control**

provide documentation, in form and substance reasonably satisfactory to the Department  
option, a disposition and development agreement, an exclusive right to negotiate with a  
as that the Applicant has some form of right to acquire or lease the Project property.

Department will require the execution and recordation of the Department's form lease rider  
round lessor, the ground lessee, the Department, and any other applicable parties. In all  
Project property.

apply:

e Tribal Entity and the Project owner is for a period not less than 50 years; **and**

acceptable in lieu of a title report

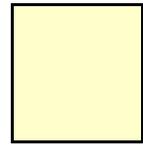
t two projects that are similar to each proposed AHSC Capital Project (AHD, HRI, STI,  
**erving as the Developer of that Project component**, during the ten years preceding the  
meet the Applicant experience requirements, documentation of the Principal's  
evidence described in the previous sentence.

elines.

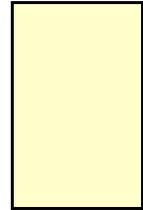
App due date	4/4/23
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ect, or the real property on which the Project is proposed may not be party to or the  
ally affects the feasibility of the Project. Further, the Applicant(s) shall disclose and  
ect or the Property which affects or potentially affects the feasibility of the Project.

ne application deadline set forth in the NOFA. Any demolition operation conducted under  
r is structurally unsound and in danger of imminent collapse is exempt from this

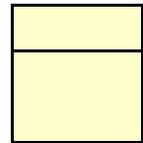


Qualifying Transit, respectively, must be serving the Transit Station/Stop at the time of  
the Transit Station/Stop by the time a certificate of occupancy is provided. For all Project  
ected by a pedestrian access route no greater than 0.50 miles at the time of certificate of  
: AHD and the Transit Station/Stop may be included as part of the project STI/TRA  
y is provided.

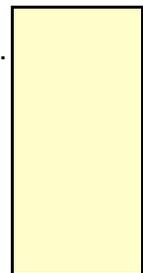


ce Law (CA Gov Code Sec. 7260-7277).

hapter 16, commencing at Section 7260, and Title 25 CCR, Subchapter 1, Chapter 6,



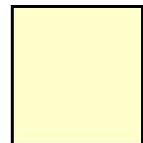
Project is located must be in substantial compliance by the date of award recommendation.  
ed housing element is in substantial compliance as demonstrated by a letter from the  
e time frames required by Section 65588 of the Government Code includes that  
ion 65580, of Chapter 3 of Division I of Title VII of the Government Code. A jurisdiction's  
Department's website. Projects located on Trust Land, as defined under Indian country,  
**nder Indian country, are exempt from this requirement.**



partment review of their housing element at the time of award and jurisdictions which are  
to compliance at the time of award, shall both be deemed to be in a presumptive state of  
ptive substantial compliance shall include conditions in their respective standard  
on must have received a final housing element certification letter from the Department.

ousing element in substantial compliance with **Art.10.6 (§65580) Ch. 3 Div. 1 of Title 7**

[u HCD's website.](#)



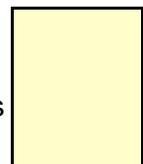
must at the time of application, have submitted their housing element annual progress  
a for the current and prior year.



adaptation measures as described in Section 107 Narrative Based Policy Scoring (b).



or component thereof will not result in loss or conversion of agricultural or other working  
gnated as Agricultural Land according to the California Department of Conservation's  
Farmland Finder). An exemption to the FMMP designation may be allowed for applications



ments and Housing Related Infrastructure Capital Projects must also demonstrate to the

and Infrastructure, or both are infeasible without AHSC Program funds, and other committed

and requiring the demolition of existing residential units are eligible only if the number of the demolished structures, with equal or greater affordability. The new Affordable Units project meeting the requirements of the UMRs Section 8303 (b).

Substantial Rehabilitation and requiring the demolition of existing residential units that and structures where it determines that such approvals will substantially improve the policy objective, as long as the reduction does not result in more than 25 percent fewer

abilitation and requiring the demolition of existing residential units?

abilitation and requiring the demolition of existing residential units that result in a number

both Capital Project(s) involves the demolition of existing units that are affordable to lower-income aged units, comparable in size, of equal or greater affordability and equal to or greater than the cost to transit and include first right of return to displaced residents.

fordable to lower-income households?

nt is consistent with State and Federal Fair Housing requirements including duties to

with all applicable state and federal law, including, without limitation, the requirements of Americans with Disabilities Act of 1990; the Fair Housing Act; the Fair Housing ; the Unruh Civil Rights Act; GC Section 11135; Rehabilitation Act of 1973 Section 504; 24 CFR Part 100, 24 CFR Part 8, and 28 CFR Part 35)?

mixed Use Development in the case that non-residential uses are included, are powered by zero-emission generators are AHSC Eligible Costs. Projects required to include fossil fuel most renewable technology first, starting with gaseous fuel (e.g., RNG, NG, LPG), and ensure that procurement, site preparation, installation, or operation of such units is not an

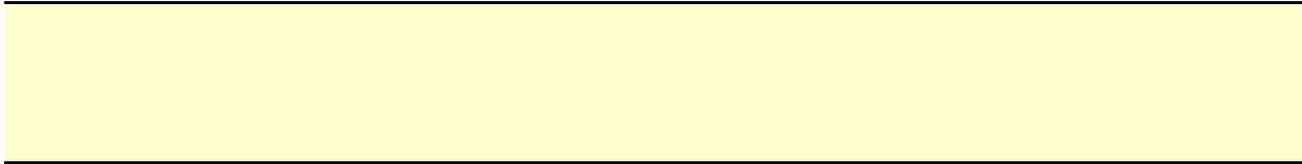
with no connections to natural gas infrastructure as described above?

demonstrate to the satisfaction of the Department all the following:

Program funds, and other committed funds are not being supplanted by AHSC Program

subject to all applicable codes, including the California Building Standards Code (CCR, Title

potential health impacts of air pollution will be provided to residents of Affordable Housing



air housing, nondiscrimination, Pet Friendly Housing Act, physical accessibility, and as Section 7314 (a)-(d). Projects must also provide a preference for accessible units to nce with TCAC regulations (California Code of Regulations (CCR), Title 4, Section cant or Developer of the Project must ensure that any other applicable federal, state, and



its involving new construction, acquisition and Substantial Rehabilitation, or conversion of modating broadband internet service with at least a speed of 100 megabits (50 megabits er second for uploading.

ponents must provide a conduit from the public right of way or property line and provide ach unit and public common space to provide a broadband internet connection.

ighest caliber connection. All Applicants should consult with their local jurisdictions roadband internet service providers in the area.

with speeds listed above must be made available to each Restricted Unit for a minimum he AHD's placed-in-service date.



nderstand, and agree to comply with the following sections of the 2023 AHSC Guidelines.

Quantitative Policy Scoring – 52 Points Maximum

Total Quantitative Self Score **0.000**

<b>(a) Active Transportation Improvements §107(a) - 14 Points Maximum</b>				<b>0</b>		
<b>(1) Length of Context Sensitive Bikeways (PAM) - 3 points maximum</b> <a href="#">STI and TRA Quantification Form</a>				<b>0</b>		
(A) 3 points for at least one (1.0) lane mile (B) 1 point for at least one half (0.50) lane mile						
	Class 1 Bikeways	Class 2 Bikeways	Class 3 Bikeways	Class 4 Bikeways	Total Context Sensitive Bikeway Mileage	0.000
File Name	AHSC-funded STI and TRA Quantification Form		Complete the AHSC-funded <a href="#">STI and TRA Quantification Form</a> identifying the locations, AADT, and Speed Limit of all STI and TRA components that are to be funded by the AHSC program funds.		Uploaded to HCD?	
<b>(2)</b> Will the Project expand an existing bicycle network? The new Context Sensitive Bikeway funded by AHSC must have an entry point within the Project Area and directly intersect with an existing bikeway as a way to connect to the existing bike network. The existing bikeway and bikeway network does not have to be comprised of Context Sensitive Bikeways. - 2 point maximum				<b>0</b>		
<b>(3) Length of AHSC-funded Safe and Accessible Walkways (PAM) - 3 points maximum</b>				<b>0</b>		
Total length (in linear feet) of STI new or replaced sidewalks and TRA sidewalks improved:						
(A) 3 points for repairing or constructing sections of sidewalks, walkways, or ramps that create more than 2,000 feet of <b>continuous</b> Safe and Accessible Walkway.						
(B) 1 point for repairing or constructing sections of sidewalks, walkways, or ramps that create more than 1,000 but at or less than 2,000 feet of continuous Safe and Accessible Walkway.						
Safe and Accessible Walkways - length (in feet) of new or replaced sidewalk, walkways, or ramps						
<b>(4) New pedestrian facilities - 2 point maximum</b>				<b>0</b>		
Will the Project create at least 1,000 linear feet of <b>new</b> pedestrian facilities <b>where none exist</b> at the time of application submission?						
<b>(5) Projects that improve existing transit routes that serve the community around the AHD. - 4 points maximum (two points for each strategy).</b>				<b>0</b>		
The AHSC-funded improvements must improve service for a transit route that serves at least one (1) stop or station inside the Project Area. The improvement to the transit route need not be wholly inside the Project Area, but the Project's effects to improving reliability and/or speed inside the Project Area should be evident.						
Projects improve a local bus service by at least one (1.0) Lane Mile by implementing any (or a multiple) of the following:						
(A)	At least one (1.0) <b>Lane Mile</b> of a Bus Only Lane that includes prohibition of private vehicles or High Occupancy Toll (HOT) Lanes that are in effect at least eight (8) hours a day, at least five (5) days a week.					
(B)	Installation of new off-board fare collection kiosks or machines along all stops for one (1.0) consecutive <b>Lane Mile</b> .					
(C)	Installation of new at-grade boarding infrastructure along all stops for one (1.0) consecutive <b>Lane Mile</b> .					
(D)	Installation of at least four (4) bus bulb-outs that eliminate the need for buses to pull out of the general flow lane along one bus route in the <b>Project Area</b> .					
(E)	Installation of new or upgraded <b>Transit Signal Priority</b> hardware and software along all signals for one (1.0) consecutive <b>Lane Mile</b> .					
(F)	Installation of at least five (5) new bus shelters where none currently exist at least five stops along one bus route in the <b>Project Area</b> .					
(G)	Procurement of at least one new <b>ZEV</b> transit vehicle that allows the provider to modify published schedules that will achieve headways of 15 minutes or less during peak hours or reduce peak hour existing headways by more than 10 minutes.					
<b>(b) Green Buildings and Renewable Energy §107(b) - 3 Points Maximum</b>				<b>0</b>		
<b>(1) Green Building Status - 3 points</b>						
Construction Type: <input type="text"/>						
Green building status beyond State mandatory building code requirements as verified: <input type="text"/>						
File Name	Green Building Status	Provide signed letter from a certified LEED Green rater, certified Green Point rater, or licensed engineer stating the commitment to achieve green building status beyond State mandatory building code. Specify the Certification the AHD commits to.		Uploaded to HCD?		
<b>(c) Housing and Transportation Collaboration §107(c) - 10 Points Maximum</b>				<b>0</b>		
<b>(3) Projects which provide documentation that their site is: - 2 points maximum</b>				<b>0</b>		
<b>(A) Within environmentally cleared High Speed Rail Station Planning Area</b>						
Is Project Area within environmentally cleared High Speed Rail Station Planning Area? <input type="text"/>						
<b>(B) Funding the construction of community-identified components:</b>						
Has the proposed Project received funds from another California Strategic Growth Council (SGC) Program? <input type="text"/>						
<b>(C) Utilizing Publicly-Owned Land:</b>						
Is Project to be developed on land designated as Excess Land (EO N-06-19) or any land declared surplus by a local agency? Projects developed on land donated by or leased at a discounted rate from a transit agency are also eligible for these points. <input type="text"/>						
<b>(d) Location Efficiency and Access to Destinations §107(d) - 3 Points Maximum</b>				<b>0.000</b>		
<b>(2) Location Efficiency to Key Destinations (PAM) - For TOD Project Areas and ICP Project Areas each type of Key Destination is worth one third (0.333) of a point. For RIPA Project Areas each type of Key Destination is worth one half (0.50) of a point. (for each item below, answer Yes or No as to if these Key Destinations are within 1/2 mile of the AHD)</b>						
(A)	Market or Grocery store (SNAP Retailer)	<input type="text"/>				
(B)	Food Bank	<input type="text"/>				
(C)	Medical clinic	<input type="text"/>				
(D)	Licensed childcare facility	<input type="text"/>				
(E)	Pharmacy	<input type="text"/>				
(F)	Park accessible to the general public	<input type="text"/>				
(G)	Community Center	<input type="text"/>				
(H)	Public library	<input type="text"/>				
(I)	Public elementary, middle, high school, non-profit university or non-profit junior college	<input type="text"/>				
(J)	Bank, or credit union	<input type="text"/>				
(K)	Post Office	<input type="text"/>				
<b>(e) Funds Committed §107(e) - 4 Points Maximum</b>				<b>0</b>		
Points will be awarded for applications demonstrating committed funding for <b>all permanent financing</b> , grants, project-based rental assistance, and operating subsidies, excluding: the amount requested from the AHSC Program, an allocation of tax-exempt bonds, and 4 percent or 9 percent tax credits.						
Does Applicant meet the above requirements? <input type="text" value="FALSE"/>						
<b>(f) Prohousing Designation §107(f) – 3 Points Maximum</b>				<b>0</b>		
<b>(1) Projects located in jurisdictions that have received a "Prohousing designation" as certified by the Department by the application due date. - 3 Points Maximum</b>						
Is Project located in a jurisdiction that have received a "Prohousing designation" as certified by the Department and by the application due date? <input type="text"/>						
<b>(g) Anti-Displacement Activities §107(g) - 4 Points Maximum</b>				<b>0</b>		
<b>(1) Projects that document a commitment to implement at least one (1) new or expanded Anti-displacement activity listed below, as supported by an assessment of housing needs and displacement vulnerability.</b>						
<b>Please see Guidelines for the "Assessment" and the "Commitment Letter" requirements.</b>						
# of Activities to be implemented			<input type="text" value="0"/>			

(A)	Projects may select up to two activities listed below. These activities must be implemented by an independent non-profit or locality with dedicated Program Cost (PGM) funding of a minimum \$150,000 per activity:	
(i)	A non-profit and/or Locality developing a Community-Driven, Neighborhood-Scale Anti-Displacement Plan	
(ii)	A non-profit and/or Locality implementing a policy or action identified in a previously-adopted Anti-Displacement Plan that is not listed below	
(iii)	A non-profit and/or Locality implementing a policy identified in an existing Community-Driven, Neighborhood-Scale Anti-Displacement Plan	
(iv)	A non-profit and/or Locality developing or implementing a pipeline or training programs that will build capacity for local affordable housing developers	
(v)	A non-profit and/or Locality developing or implementing a process for data collection, monitoring, & tracking systems related to the causes of displacement (e.g. rental property registry, landlord licensing, local eviction tracking, or a speculation watchlist)	
(vi)	A non-profit and/or Locality developing or implementing eviction prevention and landlord anti-harassment programs	
(vii)	A non-profit and/or Locality developing or implementing rental assistance programs	
(viii)	A non-profit and/or Locality developing a Neighborhood Leadership Development Program for stakeholders within the project community	
(ix)	A non-profit and/or Locality developing or implementing a Small/Family Business Protection Program for community businesses in the Project Area	
(x)	A non-profit and/or Locality developing or operating a Community Land Trust or Land Banking activities	

**(h) Local Workforce Development and Hiring Practices Maximum §107(h) - 3 Points** 0

(1)	Projects that implement workforce development strategies that advance the recruitment, training, and hiring of individuals who live within Priority Population census tracts or Low-Income Households. <b>1.5 points per strategy</b>	
	Choose from the following AHSC workforce development strategies:	# of Strategies <b>0</b>
(A)	Partnership with a Workforce Development organization or a Workforce Development Board.	
(B)	Project is bound by a Skilled and Trained Workforce Commitment.	
(C)	Projects that have developed a Project Labor or Community Workforce Agreement.	
(D)	Projects that are located in jurisdictions with Local Hire Ordinances.	

**(i) Housing Affordability §107(i) - 5 Points Maximum** 0.00

(1)	For rental Affordable Housing Developments, the following shall apply:	
(A)	Applications which restrict a percentage of units in a rental Affordable Housing Development to Extremely Low Income (ELI) households. <b>3 Points Maximum</b>	
	Points will be awarded based on the percent of total units restricted to ELI households as follows:	
(i)	15 to 19.9 percent of total units = <b>1 points</b>	Extremely Low Income (ELI) Units <b>0</b>
(ii)	20.0 to 24.9 percent of total units = <b>2 points</b>	Total AHD Units <b>0</b>
(iii)	25 percent or more of total units = <b>3 points</b>	ELI Units as a % of Total AHD Units <b>0.00%</b>
(B)	Applications which restrict a percentage of three-bedroom or larger units in a rental Affordable Housing Development to Extremely Low Income or Very Low-Income households. <b>2 Points Maximum</b>	
(i)	10 to 19.9 percent of total units = <b>1 points</b>	Three-bedroom or larger units to Extremely Low Income or Very Low-Income households <b>0</b>
(ii)	20 percent or more of total units = <b>2 points</b>	Total AHD Units <b>0</b>
		Three-bedroom or larger, ELI or VLI Units as a % of Total AHD Units <b>0.00%</b>

**(j) Programs §107(j) – 3 Points Maximum** 0

(1)	Applicants that propose an AHSC-funded Program (PGM) Cost in partnership with a non-profit organization (including churches, Community Based Organizations, or other organization registered as a 501(c)(3) Organization) for at least \$150,000. All proposals in partnership with a non-profit must provide a commitment letter and a proposed workplan describing how each program or activity will be implemented. <b>An Applicant seeking points for an activity under the Anti- Displacement category is not eligible for additional points for that same activity under the Programs section.</b>	
	Please see <a href="#">Guidelines for items that should be included in the proposed workplan:</a>	
	Programs proposed under this section must fall under one of these four categories to be eligible for points.	
(A)	Active Transportation Encouragement and Safety: Active Transportation programs that encourage residents to walk or bicycle more frequently and more safety. Programs may include, but are not limited to: Bike Safety Workshops, Walking School Buses or other group walking activities, Safe Routes to School or Transit. Additionally, distribution of lights, safety equipment, or bicycles to low-income residents are an eligible Program Cost as an incentive for participation in safety education programs	
(B)	Low-Income Zero Emission Vehicle (ZEV) Car Sharing Programs: Programs that provide free or reduced cost access to Zero Emission Vehicle Car Sharing Programs.	
(C)	AHD Resident Support: Instructor-led adult educational, health and wellness, or skill building classes. Includes, but is not limited to: Financial literacy, computer training, home-buyer education, GED classes, and resume building classes, ESL, nutrition class, exercise class, health information/awareness, art class, parenting class, on-site food cultivation and preparation classes, and smoking cessation classes. Drop-in computer labs, monitoring or technical assistance shall not qualify.	
(D)	Tenant Legal Counseling: Programs that provide legal advice and education to renters on their rights as a tenant and access to programs to help reduce risks of evictions and displacement. Section 103(b)(1)(A) applies.	
	Which, above program, category will the applicant(s) choose from to propose the AHSC-funded Program (PGM)	

The narrative-based policy scoring section of the application will be scored **only for projects that meet threshold requirements listed in Section 106.**

For Narrative-Based Policy Scoring, applicants must provide responses to the questions and prompts outlined in the Narrative Prompts document. Please reference the Narrative Prompts document and rubric at the SGC AHSC Program Website for instructions, the specific questions to answer, and necessary application materials.

File Name	Narrative	Provide a response to each prompt as outlined in the <a href="#">Narrative Prompts document</a> . The responses must be uploaded as a PDF and must follow the stated word counts. See Narrative Scoring Rubric document for guidance in completing Narratives.	Uploaded to HCD?	
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The following is a summary of each section:

**(a) Community Benefits & Engagement §107(a) - 6 Points Maximum**

Community involvement and leadership are crucial to ensuring that both the principal objectives and co-benefits of the project respond to the true needs of the community. Taken together, the responses to the prompts will explain how local residents and community-based organizations were meaningfully engaged in developing the Project, especially those from Disadvantaged and Low-income Communities, and how the project addresses community-identified needs and promotes community health and well-being. **The prompts will ask applicants to address two main components: (1) Community Engagement and Leadership and (2) how the AHSC Project addresses community needs.**

File Name	Community Tracker	<a href="#">Provide a completed AHSC Round 7 Community Engagement Tracker.</a>	Uploaded to HCD?	
File Name	Community Needs	Letter of support from local community-based, grassroots organization describing the community engagement process and how feedback from local residents was incorporated into the Project.	Uploaded to HCD?	

**(b) Climate Adaptation & Community Resiliency §107(b) - 5 Points Maximum**

Communities will continue to experience effects of climate change in many ways, including increased likelihood of droughts, flooding, heatwaves, sea level rise, severe weather, and wildfires. Due to these effects, climate resiliency is a key part of planning and project implementation. The prompts will ask applicants to address how the risks posed from climate change and other environmental exposures will be reduced by strategies listed in the Climate Adaptation Assessment Matrix. The prompts will also ask how the Project will reduce the health risks of climate change and other environmental exposures including extreme heat, wildfires and smoke, air pollution from vehicle emissions, and more. Under this section applicants will fill out the Climate Adaptation Assessment Matrix.

**Note:** If available, use localized climate impact projections.

For tools to help assess general climate impacts, please visit [Cal-Adapt's Local Climate Snapshot tool](#).  
For adaptation tools, resources, strategies and case studies visit [State's Adaptation Clearinghouse](#).

File Name	Climate Matrix	<a href="#">AHSC Round 7 Climate Adaptation Assessment Matrix.</a>	Uploaded to HCD?	
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**(c) Collaboration & Planning §107(c) - 4 Points Maximum**

Collaboration between local governments and housing and transportation providers is critical to create a project that ensures connectivity and responds to the day to day needs of the community. Taken together, the responses to the prompts of this section should outline how the proposed project brings together the efforts of local government, including housing and transportation agencies to achieve projects that improve efforts related to climate adaptation, health, housing, mobility, and safety. The prompts will ask applicants to address two components of this: (1) Local Planning Efforts and (2) Housing and Transportation Collaboration.

File Name	Local Planning Efforts	Please provide a single PDF with the cover page of the plan and relevant pages of the plans referenced in the Local Planning Efforts Section. Please only include pages referenced in the narrative.	Uploaded to HCD?	N/A
File Name	Site Plan	Provide the most current site plan.	Uploaded to HCD?	
File Name	Future Engagement	<b>Optional:</b> Submit supporting documentation to demonstrate future engagement with either a CBO or residents (i.e. any engagement plans, agreements, etc.). Can be included as part of the Community Needs upload if it is the same CBO.	Uploaded to HCD?	

**(d) Equity & Transformation §107(d) - 3 Points Maximum**

As stated in the AHSC Program Overview, SGC is committed to achieving racial equity in its operations, investments, and policy initiatives and to achieving its vision that: All people in California live in healthy, thriving, and resilient communities regardless of race ([read more in the SGC Racial Equity Action Plan](#)). The AHSC Program encourages a holistic approach to community development and broader investments in neighborhoods. Under this section, the prompts will ask applicants to describe how the Project: 1) advances equity and 2) is either piloting new or innovative approaches or policies, leveraging existing resources in a new way, or shaping future projects in the nearby communities.

[SGC Racial Equity Action Plan](#)

End of Document

**Full list of Uploads**

Per answers within Application

FILE NAME	FILE DESCRIPTION	
<b>HCD Excel Application</b>		
AHSC Application Workbook	AHSC Application Excel Workbook.	✓
<b>Project Overview Sheet/Tab</b>		
Tax Credit Reservation Letter	If the Project has already received a tax credit reservation, upload documentation.	✗
Operating Subsidy Commitment	Documentation evidencing commitment of Operating Subsidies including source, term (in years), total subsidy amount, and estimated first year allocation.	✗
Current Contract Rents	Projects proposing project-based rental assistance: Provide documentation of current contract rents for HAP, Shelter Plus or other source, as applicable.	✗
Tribal Entity Waiver	Modifications or waivers as provided for in HSC Section 50406, subdivision (p) (Assembly Bill 1010 (Chapter 660, Statutes of 2019)	✗
Indian Country Verification	Documentation verifying land is located in Indian Country as defined by 18 USC 1151.	✗
Fee or Trust Land Verification	Documentation verifying land is located on Fee or Trust Land.	✗
STI-TRA Agreement	STI-TRA agreement: If utilizing the experience of a Locality or Transportation Agency non-applicant for STI or TRA components an applicant must provide an executed agreement with that specific Locality or transportation agency non-applicant for the completion of the STI or TRA components of the AHSC Project for which funding is sought.	✗
App1 Cert & Legal Disclosure	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
App1 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
App1 Org Chart	Applicant Organization Chart.	✗
App1 Signature Block	Signature Block - upload in Microsoft Word Document.	✗
App1 Cert of Good Standing	Dated 30 days or less from the application due date.	✗
App1 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗
App2 Cert & Legal Disclosure	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
App2 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
App2 Org Chart	Applicant Organization Chart.	✗
App2 Signature Block	Signature Block - upload in Microsoft Word Document.	✗
App2 Cert of Good Standing	Dated 30 days or less from the application due date.	✗
App2 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗
App3 Cert & Legal Disclosure	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
App3 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
App3 Org Chart	See Applicant Documents worksheet.	✗
App3 Signature Block	See Applicant Documents worksheet.	✗
App3 Cert of Good Standing	Dated 30 days or less from the application due date.	✗
App3 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗
App4 Cert & Legal Disclosure	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
App4 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
App4 Org Chart	Applicant Organization Chart.	✗
App4 Signature Block	Signature Block - upload in Microsoft Word Document.	✗
App4 Cert of Good Standing	Dated 30 days or less from the application due date.	✗
App4 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗
Joint Venture Agreement	Executed copy stating the terms of joint venture agreement.	✗
JV1 Cert & Legal	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
JV1 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
JV1 Org Chart	Applicant Organization Chart.	✗
JV1 Signature Block	Signature Block - upload in Microsoft Word Document.	✗
JV1 Cert of Good Standing	Dated 30 days or less from the application due date.	✗
JV1 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗
JV2 Cert & Legal	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
JV2 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
JV2 Org Chart	Applicant Organization Chart.	✗
JV2 Signature Block	Signature Block - upload in Microsoft Word Document.	✗
JV2 Cert of Good Standing	Dated 30 days or less from the application due date.	✗
JV2 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗
Owner Cert & Legal Disclosure	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
Owner OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
Owner Org Chart	Owner Organization Chart.	✗
Owner Signature Block	Signature Block - upload in Microsoft Word Document.	✗
Owner Cert of Good Standing	Dated 30 days or less from the application due date.	✗
Owner Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗
MGP Cert & Legal	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
MGP OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
MGP Org Chart	MGP Organization Chart.	✗
MGP Signature Block	Signature Block - upload in Microsoft Word Document.	✗

MGP Cert of Good Standing	Dated 30 days or less from the application due date.		X
MGP Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).		X
AGP1 Cert & Legal	<a href="#">Reference: Applicant Certification Worksheet.</a>		X
AGP1 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>		X
AGP1 Org Chart	AGP Organization Chart.		X
AGP1 Signature Block	Signature Block - upload in Microsoft Word Document.		X
AGP1 Cert of Good Standing	Dated 30 days or less from the application due date.		X
AGP1 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).		X
AGP2 Cert & Legal	<a href="#">Reference: Applicant Certification Worksheet.</a>		X
AGP2 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>		X
AGP2 Org Chart	AGP Organization Chart.		X
AGP2 Signature Block	Signature Block - upload in Microsoft Word Document.		X
AGP2 Cert of Good Standing	Dated 30 days or less from the application due date.		X
AGP2 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).		X
MLLC Cert & Legal	<a href="#">Reference: Applicant Certification Worksheet.</a>		X
MLLC OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>		X
MLLC Org Chart	Manager of LLC Organization Chart.		X
MLLC Signature Block	Signature Block - upload in Microsoft Word Document.		X
MLLC Cert of Good Standing	Dated 30 days or less from the application due date.		X
MLLC Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).		X
AB1550	<a href="#">Applicable CARB Priority Population Benefit Criteria Tables.</a>		X
Project Area Map	Items marked with <b>(PAM)</b> in this application must be identified on the Project Area Map <b>(PAM)</b> and as outlined in the Project Area Mapping Guidance. This can include: mapping the Affordable Housing Development, Qualifying Transit, Active Transportation Improvements §107 Quantitative Policy Scoring(a)(1),(2),(3), & (4), Location Efficiency and Access to Destinations §107 Quantitative Policy Scoring(d)(1), and GHG Mapping components including: STI Improvements (e.g. bikeways, walkways, STI improvements to transit), traffic calming measures, and key destinations around STI improvements. <b>File must be submitted in a KML/KMZ format.</b>		X
Transit Service Map	Provide the Published Transit Service Map of the Qualifying Transit line. Indicate the approximate location of the AHD on the map.		X
Transit Service Schedule	Upload is the service schedule for Qualifying Transit only. All documentation transit service schedule supporting the transit service area. All transit service schedules should be uploaded to "Transit Service Schedule" as one document.		X
Net Density Verification	Letter and sealed site map certified by a California State-licensed professional (e.g., an engineer, surveyor, or landscape architect) confirming the net density.		X
Cap Improvements Req	Documentation from a Locality, transit agency or special district that capital improvements are required.		X
Onsite Energy Storage	Documentation certified by an energy consultant or architect.		X
STI Cap Project Costs	Documentation showing Capital Project costs are required as a condition of local approval for STI.		X
TRA Cap Project Costs	Documentation showing Capital Project costs are required as condition of local approval for TRA.		X
Utility allowance	Schedule of utility allowances.		X
Article XXXIV Legal Opinion	Legal opinion regarding Article XXXIV, prepared in accordance with NOFA.		X
Article XXXIV Authority	Documentation of Article XXXIV Authority prepared in accordance with NOFA.		X

**Threshold Requirements Sheet/Tab**

SCS Consistency Confirmation	Document from MPO identified above confirming consistency with SCS, or alternative planning strategy in non-MPO regions, per §106(a).		X
SFH Lease Addendum	Submit a draft of the development's Smoke Free Housing lease addendum.		X
AHD Environmental	Copy of all environmental clearances (e.g. Environmental Impact Report) or Notice of Exemption.		X
AHD Auth to Use Grant Funds	For NEPA only, copy of the HUD 7015.16 "Authority To Use Grant Funds" or clarify the current status of the issuance of the HUD form.		X
HRI Environmental	Copy of all environmental reports and clearances (e.g. EIR, Phase 1 Notice of Exemption).		X
HRI Auth to Use Grant Funds	For NEPA only, copy of the HUD 7015.16 "Authority To Use Grant Funds" or clarify the current status of the issuance of the HUD form.		X
STI Environmental	Copy of all environmental clearances (e.g. Environmental Impact Report) or Notice of Exemption.		X
STI Auth to Use Grant Funds	For NEPA only, copy of the HUD 7015.16 "Authority To Use Grant Funds" or clarify the current status of the issuance of the HUD form.		✓
TRA Environmental	Copy of all environmental clearances (e.g. Environmental Impact Report) or Notice of Exemption.		X
TRA Auth to Use Grant Funds	For NEPA only, copy of the HUD 7015.16 "Authority To Use Grant Funds" or clarify the current status of the issuance of the HUD form.		X
AHD-HRI Market Study	Provide a completed market study prepared within one year of the application due date.		X
EFC AHD HRI1; EFC AHD HRI2; EFC AHD HRI3; etc.	Documentation for the 0 permanent sources, plus Equity Investor if known at time of application.		X
EFC STI1; EFC STI2; EFC STI3; etc.	Supporting documentation for the 0 non-AHSC STI funding commitments.		X
EFC TRA1; EFC TRA2; EFC TRA3; etc.	Supporting documentation for the 0 non-AHSC TRA funding commitments.		X
EFC PGM1; EFC PGM2; EFC PGM3; etc.	Supporting documentation for the 0 non-AHSC PGM funding commitments.		X
AHD Site Control	Appropriate documentation to demonstrate the form of site control indicated above.		X
AHD Preliminary Title Report	PTR, that is no more than 6 months old for the AHD Project.		X
HRI Site Control	Appropriate documentation to demonstrate the form of site control indicated above.		X
STI Site Control	Appropriate documentation to demonstrate the form of site control indicated above.		X
TRA Site Control	Appropriate documentation to demonstrate the form of site control indicated above.		X
Past Exp AHD1, Past Exp AHD2	Certificates of Occupancy for two recently completed affordable housing developments.		X
Past Exp HRI1, Past Exp HRI2	Certificates of Occupancy for two recently completed affordable housing developments.		X

Past Exp STI1, Past Exp STI2	Where the party making improvements funded by AHSC is not a public entity, an executed agreement from a public agency certifying the satisfactory completion of similar infrastructure improvements.		x
Past Exp TRA1, Past Exp TRA2	Where the party making improvements funded by AHSC in not a public entity, an executed agreement from a public agency certifying the satisfactory completion of similar infrastructure improvements.		x
Past Exp PGM1, Past Exp PGM2	Provide documentation for the two recently completed programs.		x
Relocation Plan	Applicants must provide a Relocation Plan.		x
HE Determination letter	Provide HCD's determination letter.		x
AHD No Ag	Demonstrate the AHD site is not within land designated as agricultural land per FMMP tool.		x
AHD Ag Infill	Applicants seeking an exemption to the FMMP determination must demonstrate that the AHD Project site qualifies as an Infill Site (as defined in Appendix A).		x
HRI No Ag	Demonstrate the HRI site is not within land designated as agricultural land per FMMP tool.		x
HRI Ag Infill	Applicants seeking an exemption to the FMMP determination must demonstrate that the HRI Project site qualifies as an Infill Site (as defined in Appendix A).		x
HRI Local Approvals	Statement from entity indicating the HRI Capital Project is consistent with all applicable local rules, regulations, codes, policies and plans enforced or implemented by that entity.		x
All Electric Design	Document affirming that the proposed Affordable Housing Development, or Mixed-Use Development in the case that non-residential uses are included, are powered entirely through electricity with no connections to natural gas infrastructure.		x
STI Local Approvals	Statement from entity indicating the STI Capital Project is consistent with all applicable local rules, regulations, codes, policies and plans enforced or implemented by that entity.		x

**Quantitative Policy Scoring Sheet/Tab**

AHSC-funded STI and TRA Quantification Form	<a href="#">Complete the AHSC-funded STI and TRA Quantification Form</a> identifying the locations, AADT, and Speed Limit of all STI and TRA components that are to be funded by the AHSC program funds.		x
Bicycle Network Connectivity	Identify at least one location where the new AHSC-funded Context Sensitive Bikeway directly intersects with an existing bikeway on the Project Area Map ( <b>PAM</b> ).		x
Pedestrian Network Gap	<b>PAM</b> - Using the Project Area Map, identify the current gap in the pedestrian network (no path or sidewalk currently exists) of at least 1,000 linear feet that is to be completed by the AHSC program funding.		x
Local Transit Route Improvements	Provide maps and/or scopes of work identifying the proposed locations for the improvements to the local transit route identified in §107(b)(5) along the one transit route. If improving two transit routes, provide one map for each of the routes.		x
Green Building Status	Provide signed letter from a certified LEED Green rater, certified Green Point rater, or licensed engineer stating the commitment to achieve green building status beyond State mandatory building code. Specify the Certification the AHD commits to.		x
Housing and Transportation Collaboration	Provide evidence that the project is either utilizing publicly-owned land, part of a related Strategic Growth Council project, or located within an environmentally cleared High Speed Rail Station Planning Area as identified in Sec.107(c)(3). If utilizing Publicly-Owned Land, provide documentation as requested for each respective type of land as outlined in Section 107 Quantitative Policy Scoring(c)(3)(C).		x
Prohousing Designation	Provide certification from the Department (HCD) that the Jurisdiction has received "Prohousing designation"		x
Pending Prohousing Designation	Provide evidence that the jurisdiction applied for a "Prohousing designation" from the Department and that the jurisdiction have passed a resolution of their governing body authorizing application and participation in the Prohousing Designation Program.		x
Assessment Housing Needs	Applicants are required to develop an assessment of the housing needs and displacement vulnerability for the communities overlapping the Project Area.		x
Commitment Letter workplan	All proposals in partnership with a non-profit or locality must provide a Commitment Letter and a proposed workplan describing how each program or activity will be implemented.		x
Assessment Supporting Documents	<b>Optional:</b> Applicants and partners are permitted to provide their own existing Anti-Displacement Assessment, if it addresses the requirements described in Section 107 Quantitative Policy Scoring (g)(1). Applicants and partners are also permitted to provide information or data from reputable local sources, like the locality's Housing Element, to respond to the provided Assessment template prompts. Any alternative assessments or source documentation should be provided.		x
Workforce Strategy A	Partnership with a Workforce Development Organization: If pursuing Workforce Strategy A (Section 107 Quantitative Policy Scoring (h)(1)(A)), submit the information and verifiable documentation requested in Section 107 Quantitative Policy Scoring (h)(1)(A)(i)-(vi) in a letter jointly signed by the Applicant and external organization.		x
Workforce Strategy B	Skilled and Trained Workforce Commitment: If pursuing Workforce Strategy B (Section 107 Quantitative Policy Scoring (h)(1)(B)), submit the information and verifiable documentation requested in Section 107 Quantitative Policy Scoring (h)(1)(B)(i) in a letter jointly signed by the Applicant and external organization.		x
Workforce Strategy C	Project Labor or Community Workforce Agreement: If pursuing Workforce Strategy C (Section 107 Quantitative Policy Scoring (h)(1)(C)), submit the information and verifiable documentation requested in Section 107 Quantitative Policy Scoring (h)(1)(C)(i) in a letter jointly signed by the Applicant and external organization.		x
Workforce Strategy D	Local Hire Ordinances: If pursuing Workforce Strategy D (Section 107 Quantitative Policy Scoring (h)(1)(D)), submit the information and verifiable documentation requested in Section 107 Quantitative Policy Scoring (h)(1)(D)(i)-(iii) in a letter.		x
AHSC funded pgm Commitment letter	If pursuing Section 107Quantitative Policy Scoring (j), provide a commitment letter and a proposed workplan describing how each program or activity will be implemented. Be sure to identify which category the proposed AHSC-Funded Program falls under. The proposed workplan should include the information outlined in Section 107 Quantitative Policy Scoring (j)(1).		x

**Narrative-Based Policy Scoring**

Narrative	Provide a response to each prompt as outlined in the <a href="#">Narrative Prompts document</a> . The responses must be uploaded as a PDF and must follow the stated word counts. See Narrative Scoring Rubric document for guidance in completing Narratives.		✘
Community Tracker	<a href="#">Provide a completed AHSC Round 7 Community Engagement Tracker.</a>		✘
Community Needs	Letter of support from local community-based, grassroots organization describing the community engagement process and how feedback from local residents was incorporated into the Project.		✘
Climate Matrix	<a href="#">AHSC Round 7 Climate Adaptation Assessment Matrix.</a>		✘
Local Planning Efforts	Please provide a single PDF with the cover page of the plan and relevant pages of the plans referenced in the Local Planning Efforts Section. Please only include pages referenced in the narrative.		✘
Site Plan	Provide the most current site plan.		✘
Future Engagement	<b>Optional:</b> Submit supporting documentation to demonstrate future engagement with either a CBO or residents (i.e. any engagement plans, agreements, etc.). Can be included as part of the Community Needs upload if it is the same CBO.		✘

**Certification & Legal**

Cert-Legal Explanation	Letter of explanation for any "Yes" answers or red shaded items above. Copy this sheet and upload separate from the application.		✘
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**CARB GHG & Co-Benefits Quantification**

AHSC Benefits Calculator Tool	Completed AHSC Benefits Calculator Tool, with worksheets applicable to the project and all fields in the GHG Summary and Co-benefits Summary tabs populated.		✓
<a href="#">GHG Affordable Housing Tab Inputs</a>	Signed letter from housing project developer documenting inputs in the Affordable Housing Tab of the AHSC Benefits Calculator Tool. Follow this link for specific requirements and template.		✓
<a href="#">GHG Transit Tab Inputs</a>	Signed letter from transit agency partner documenting inputs in the Transit Tab of the AHSC Benefits Calculator Tool. Follow this link for specific requirements and template:		If applicable
<a href="#">GHG Solar PV Tab Inputs</a>	Signed letter from licensed professional documenting inputs in the Solar PV Tab of the AHSC Benefits Calculator Tool and PVWatts Calculator results. Follow this link for specific requirements and template.		If applicable
Bike Share Inputs	Signed letter from bike share partner committing to delivering the proposed bike share project and confirming that project specific inputs in the AHSC Benefit Calculator are correct: -Is bike share is electric (yes/no)? -Number of bike share trip per year in Year 1 and Year F -Average cost per trip -Explanation or calculation of how the expected number of trips was derived		If applicable
Clean Mobility Option (CMO) Benefits Calculator Tool	If applicant is proposing shared mobility projects, submit a completed CMO Benefits Calculator Tool.		If applicable
GHG Shared Mobility Inputs	Signed letter from shared mobility provider documenting inputs in the Shared Mobility Tab of the AHSC Benefits Calculator Tool. Refer to the documentation requirements in the CMO Benefits Calculator Tool.		If applicable

END OF DOCUMENT

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**Certification & Legal Disclosure**

**On behalf of the entity identified in the signature block below, I certify that:**

1. The information, statements and attachments included in this application are, to the best of my knowledge and belief, true and correct.
2. I possess the legal authority to submit this application on behalf of the entity identified in the signature block.
3. The following is a complete disclosure of all identities of interest - of all persons or entities, including affiliates, that will provide goods or services to the Project either (a) in one or more capacity or (b) that qualify as a "Related Party" to any person or entity that will provide goods or services to the Project. "Related Party" is defined in Section 10302 of the California Code of Regulations (CTCAC Regulations):

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4. As of the date of application, the Project, or the real property on which the Project is proposed (Property) is not party to or the subject of any claim or action at the State or Federal appellate level.

5. I have disclosed and described below any claim or action undertaken which affects or potentially affects the feasibility of the Project.  
In addition, I acknowledge that all information in this application and attachments is public, and may be disclosed by the State.

Printed Name	Title of Signatory	Signature	Date

**Legal Disclosure**

For purposes of the following questions, and with the exceptions noted below, the term "applicant" shall include the applicant and joint applicant, and any subsidiary of the applicant or joint applicant if the subsidiary is involved in (for example, as a guarantor) or will be benefited by the application or the project.

In addition to each of these entities themselves, the term "applicant" shall also include the direct and indirect holders of more than ten percent (10%) of the ownership interests in the entity, as well as the officers, directors, principals and senior executives of the entity if the entity is a corporation, the general and limited partners of the entity if the entity is a partnership, and the members or managers of the entity if the entity is a limited liability company. For projects using tax-exempt bonds, it shall also include the individual who will be executing the bond purchase agreement.

The following questions must be responded to for each entity and person qualifying as an "applicant," or "joint applicant" as defined above.

**Explain all positive responses on a separate sheet and include with this questionnaire in the application.**

**Exceptions:**

Public entity applicants without an ownership interest in the proposed project, including but not limited to cities, counties, and joint powers authorities with 100 or more members, are not required to respond to this questionnaire.

Members of the boards of directors of non-profit corporations, including officers of the boards, are also not required to respond. However, chief executive officers (Executive Directors, Chief Executive Officers, Presidents or their equivalent) must respond, as must chief financial officers (Treasurers, Chief Financial Officers, or their equivalent).

**Civil Matters**

1. Has the applicant filed a bankruptcy or receivership case or had a bankruptcy or receivership action commenced against it, defaulted on a loan or been foreclosed against in <i>past ten years</i> ?	
2. Is the applicant currently a party to, or been notified that it may become a party to, any civil litigation that may materially and adversely affect (a) the financial condition of the applicant's business, or (b) the project that is the subject of the application?	
3. Have there been any administrative or civil settlements, decisions, or judgments against the applicant within the past ten years that materially and adversely affected (a) the financial condition of the applicant's business, or (b) the project that is the subject of the application?	
4. Is the applicant currently subject to, or been notified that it may become subject to, any civil or administrative proceeding, examination, or investigation by a local, state or federal licensing or accreditation agency, a local, state or federal taxing authority, or a local, state or federal regulatory or enforcement agency?	
5. In the past ten years, has the applicant been subject to any civil or administrative proceeding, examination, or investigation by a local, state or federal licensing or accreditation agency, a local, state or federal taxing authority, or a local, state or federal regulatory or enforcement agency that resulted in a settlement, decision, or judgment?	

**Criminal Matters**

6. Is the applicant currently a party to, or the subject of, or been notified that it may become a party to or the subject of, any criminal litigation, proceeding, charge, complaint, examination or investigation, of any kind, involving, or that could result in, felony charges against the applicant?	
7. Is the applicant currently a party to, or the subject of, or been notified that it may become a party to or the subject of, any criminal litigation, proceeding, charge, complaint, examination or investigation, of any kind, involving, or that could result in, misdemeanor charges against the applicant for matters relating to the conduct of the applicant's business?	
8. Is the applicant currently a party to, or the subject of, or been notified that it may become a party to or the subject of, any criminal litigation, proceeding, charge, complaint, examination or investigation, of any kind, involving, or that could result in, criminal charges (whether felony or misdemeanor) against the applicant for any financial or fraud related crime?	
9. Is the applicant currently a party to, or the subject of, or been notified that it may become a party to or the subject of, any criminal litigation, proceeding, charge, complaint, examination or investigation, of any kind, that could materially affect the financial condition of the applicant's business?	
10. Within the past ten years, has the applicant been convicted of any felony?	
11. Within the past ten years, has the applicant been convicted of any misdemeanor related to the conduct of the applicant's business?	
12. Within the past ten years, has the applicant been convicted of any misdemeanor for any financial or fraud related crime?	

Printed Name	Title of Signatory	Signature	Date

## Entity Organizational Documents

### Organizational Documents

The following is intended as a brief summary of legal documents commonly required to verify the legal authority of the private entity or entities applying to HCD for an Award of funds and does not apply to public applicants. Documents required to apply for funds (threshold requirements) are legally distinct from those required to enter into a standard agreement or to receive bonus points. For projects receiving an Award of HCD funds, additional documents, or corrections, may be required prior to execution of the Standard Agreement.

### Organizational Charts

Complete organizational charts are required for the Sponsor/Recipient, Borrower, MGP and AGP (if different from the Sponsor).

### Corporate Entities

Articles of Incorporation (Corp. Code **§154, 200 and 202**) as certified by the CA Secretary of State.

Bylaws and any amendments thereto (Corp. Code **§207(b), 211 and 212**)

Certificate of Amendment of Articles of Incorporation (Corp. Code **§900-910** (general stock), **§5810-5820** (public benefit and religious corporations), **§7810-7820** (mutual benefit corporations), or **§12500-12510** (general cooperative corporations)) as applicable.

Restated Articles of Incorporation (Corp. Code **§901, 906, 910** (general stock), **§5811, 5815, 5819** (public benefit and religious corporations), **§7811, 7815 and 7819** (mutual benefit corporations) and **§12501, 12506 and 12510** (general cooperative corporations)) as applicable.

Statement of Information (CA Secretary of State form SI-100 or SI-200)

Shareholder Agreements (Corp. Code **§186**) if applicable.

Certificate of Good Standing certified by Secretary of State. Certificate of Good Standing must be dated 30 days or less from the application due date.

### Limited Liability Companies

Articles of Organization (CA Secretary of State form LLC-1)

Certificate of Amendment (CA Secretary of State form LLC-2) if applicable.

Restated Articles of Organization (CA Secretary of State form LLC-10) if applicable.

Certificate of Correction (CA Secretary of State form LLC-11) if applicable.

Statement of Information (CA Secretary of State form LLC-12 or LLC-12NC)

Operating Agreement (Corp. Code **§17707.02(s) and 17701.10**)

Certificate of Good Standing certified by Secretary of State. Certificate of Good Standing must be dated 30 days or less from the application due date.

### Limited Partnerships

Certificate of Limited Partnership (CA Secretary of State form LP-1)

Amendment to Certificate of Limited Partnership (CA Secretary of State form LP-2) if applicable.

Certificate of Correction (CA Secretary of State form LP-2) if applicable.

Limited Partnership Agreement (CA Corp. Code **§15901.02(x) and 15901.10**)

Amended and Restated Limited Partnership Agreement

Certificate of Good Standing certified by Secretary of State.

### Tribal Entity

Tribe Formation Documents (Constitution, Charters, etc.)

Federal Register of Indian Entities Recognized (81 Fed Reg. 26826) if applicable

BIA Federal Acknowledgment Petitioner List (CFR Section 83.1 of Title 25) if applicable

Contact List maintained by the Native American Heritage Commission (GC Section 65352.3) if applicable

End of Document

Project information needed for the CARB AHSC Ben

Project Name  
HCD Project Application #  
Project County  
Project Area Type  
Developer Contact Name  
Developer Contact Phone  
Developer Contact Email  
AHSC GGRF Funds Requested (\$)  
Other GGRF Funds (\$)  
Other GGRF Funds Sources

Project information needed for the CARB AHSC Ben

Maximum stories  
Total Dwelling Units  
Restricted Dwelling Units  
Net Density (dwelling units/acre)  
Mixed-use Development?  
Total Residential Space (square feet)  
Total Mixed-use Space (square feet)  
Traffic Calming Measures?  
Residential Parking Spaces  
Unbundled Monthly Parking Income (\$)  
Dwelling Units Receiving Transit Passes  
Annual Transit Passes Value (\$)  
Duration of Funding for Transit Passes (years)

Benefits Calculator Tool at "Project Info" Worksheet, Cell reference at right if each item below.

no data provided at application	Cell = E23
no data provided at application	Cell = E24
no data provided at application	Cell = E25
no data provided at application	Cell = E26
no data provided at application	Cell = E27
no data provided at application	Cell = E28
no data provided at application	Cell = E29
no data provided at application	Cell = E31
no data provided at application	Cell = E32
no data provided at application	Cell = E33

Benefits Calculator Tool at "Affordable Housing Inputs" Worksheet, , Cell reference at right if each item

no data provided at application	Cell = C20
no data provided at application	Cell = C21
no data provided at application	Cell = C22
no data provided at application	Cell = C23
no data provided at application	Cell = C24
no data provided at application	Cell = C25
no data provided at application	Cell = C26
no data provided at application	Cell = C28
no data provided at application	Cell = C39
no data provided at application	Cell = C40
no data provided at application	Cell = C45
no data provided at application	Cell = C46
no data provided at application	Cell = C47



n below.

**Application Development Team (ADT) Support Form** V1 1/30/23

Please complete the "yellow" cells in the form below and email a copy to: [AppSupport@hcd.ca.gov](mailto:AppSupport@hcd.ca.gov) and [AHSC@hcd.ca.gov](mailto:AHSC@hcd.ca.gov). A member of the Application Development Team will respond to your request.

Full Name:		Date Requested:		Application Version Date:	1/30/23
------------	--	-----------------	--	---------------------------	---------

Organization:		Email:		Contact Phone:	
---------------	--	--------	--	----------------	--

Issue #	Sheet/Tab name	Section	Cell#	Describe the issue/error or suggestion	Urgency	ADT Status	Status Date
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF STATE FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 670, 95833  
P. O. Box 952054  
Sacramento, CA 94252-2054  
(916) 263-2771  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



January 30, 2023

**MEMORANDUM FOR:** ALL POTENTIAL APPLICANTS

**FROM:** Jennifer Seeger, Deputy Director  
Division of State Financial Assistance

**SUBJECT:** **Affordable Housing and Sustainable Communities  
Notice of Funding Availability (Round 7)**

The California Strategic Growth Council (SGC) and the California Department of Housing and Community Development (Department or HCD) are pleased to announce the release of this Notice of Funding Availability (NOFA) with **approximately \$750 million** in funds for the Affordable Housing and Sustainable Communities (AHSC or Program) program. This funding provides loans and grants to Localities, Developers, public housing authorities, transit agencies, transit operators, Program Operators, Tribal Entities, and others as identified in the Guidelines.

AHSC furthers the purposes of [AB 32](#) (Chapter 488, Statutes of 2006), [SB 375](#) (Chapter 728, Statutes of 2008), and [SB 32](#) (Chapter 249, Statutes of 2016) in that the purpose of AHSC is to reduce greenhouse gas (GHG) emissions through projects implementing land-use, housing, and transportation improvements to support infill and compact development, while supporting related and coordinated public policy objectives. Funding for AHSC is provided from the Greenhouse Gas Reduction Fund (GGRF), an account established to receive Cap-and-Trade auction proceeds.

AHSC is part of California Climate Investments, a statewide program funded through the GGRF that puts billions of Cap-and-Trade dollars to work, reducing GHG emissions, strengthening the economy, and improving public health and the environment – particularly in Disadvantaged Communities.

**Application materials must be submitted electronically via HCD's Affordable Housing and Sustainable Communities Portal (AHSC Portal) no later than 4:00 p.m. Pacific Time on April 4, 2023.** The Department will no longer accept hardcopy submittals.

AHSC application forms, detailed instructions, webinar details, and related Program information are posted on the Department's AHSC website at <https://www.hcd.ca.gov/grants-and-funding/programs-active/affordable-housing-and-sustainable-communities>. Additional Program information may be found at SGC's AHSC website: <https://sgc.ca.gov/programs/ahsc/resources/>.

To receive information on workshops and other updates, please subscribe to the Affordable Housing and Sustainable Communities program [HCD listserv](#) and for questions contact the HCD AHSC team at [AHSC@hcd.ca.gov](mailto:AHSC@hcd.ca.gov) or the SGC AHSC team at [ahsc@sgc.ca.gov](mailto:ahsc@sgc.ca.gov).

Attachment

**AFFORDABLE HOUSING AND  
SUSTAINABLE COMMUNITIES PROGRAM**  
**Notice of Funding Availability**  
**Round 7**



**CALIFORNIA STRATEGIC  
GROWTH COUNCIL**



**Gavin Newsom, Governor  
State of California**

**Lourdes M. Castro Ramírez, Secretary  
Business, Consumer Services and Housing Agency**

**Lynn von Koch-Liebert, Executive Director  
California Strategic Growth Council**

**Gustavo Velasquez, Director  
California Department of Housing and Community Development**

2020 West El Camino Avenue, Suite 500, Sacramento, CA 95833  
Telephone: (916) 263-2771

Website: <http://www.hcd.ca.gov/grants-funding/active-funding/ahsc.shtml>

Email: [ahsc@hcd.ca.gov](mailto:ahsc@hcd.ca.gov)

**January 30, 2023**

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## I. Overview

### A. Notice of Funding Availability

The Strategic Growth Council (SGC) and the California Department of Housing and Community Development (Department or HCD) hereby announce the availability of approximately \$750 million in funding for the Affordable Housing and Sustainable Communities (AHSC) program. AHSC is administered by SGC and implemented by the Department. The California Air Resources Board (CARB) provides the quantification methodology for determining the greenhouse gas (GHG) emissions reductions for AHSC.

These AHSC funds will be used for loans or grants, or a combination thereof, to projects that will achieve GHG emissions reductions to benefit communities throughout California, particularly through increasing accessibility to affordable housing and Key Destinations via low-carbon transportation, resulting in fewer vehicle miles traveled through shortened or reduced trip length or mode shift from single occupancy vehicle use to transit, bicycling, or walking.

### B. Timeline

<b>NOFA Release</b>	<b>January 30, 2023</b>
<b>Application Due Date</b>	<b>April 4, 2023, by 4:00 p.m. PDT</b>
<b>Award Announcement</b>	<b>August 2023</b>

### C. Authorizing Legislation and Regulations (Regulatory Authority)

AHSC furthers the purposes of [AB 32](#) (Chapter 488, Statutes of 2006), [SB 375](#) (Chapter 728, Statutes of 2008), and [SB 32](#) (Chapter 249, Statutes of 2016). Applications submitted under this NOFA and available funds are subject to the AHSC Guidelines approved by the SGC on December 15, 2022, and as published on the SGC's AHSC website at <https://sgc.ca.gov/programs/ahsc/resources/guidelines.html>

The Guidelines include detailed information on eligibility requirements, application selection criteria, established terms, conditions, and procedures for funds awarded under AHSC. Applicants are encouraged to carefully review the Guidelines and information contained in this NOFA before submitting applications.

## II. Program Requirements

The following is provided as a summary and is not to be considered a complete representation of the entirety of the eligibility, threshold, or other requirements or terms and conditions of the AHSC program. Please note that capitalized words in this NOFA are either defined herein or in the Program Guidelines. Please refer to the Guidelines for complete information.

### A. Eligible Applicants

Applicants must be eligible pursuant to Guidelines Section 105, Eligible Applicants.

### B. Eligible Projects

Eligible Projects must fall into one of the following three eligible Project Area Types:

- Transit Oriented Development (TOD) Project Area Type
- Integrated Connectivity Project (ICP) Area Type
- Rural Innovation Project Area (RIPA) Type

For a detailed list of all eligible costs, please refer to Guidelines Section 103, Eligible Costs.

### C. Program Funding Amounts and Terms

1. **AHSC funding award maximum:** For projects without other HCD awards, the maximum AHSC loan or grant award, or combination thereof, is \$50 million, with a minimum award of \$10 million. For these projects, the maximum Affordable Housing Development loan amount is \$35 million, and the maximum cumulative per Project grant amount is \$15 million.

Additionally, for Projects that have or will have other HCD funding, the maximum cumulative per-project award of all HCD loan sources for housing development is \$35 million.

2. **AHSC funding award maximum:** A single Developer may receive no more than \$100 million per NOFA funding cycle. This limitation may be waived by SGC, if necessary, to meet statutory requirements referenced in Guidelines Section 108, Application Process.
3. **Terms of assistance:** Assistance terms and limits are set forth in Guidelines Section 104, Assistance Terms and Limits. Loans for rental Affordable Housing Developments (AHD) are subject to requirements set forth in Guidelines Section 104(b). Grants are subject to the terms and requirements set forth in Guidelines Section 104(c).

## **D. Transition Reserve**

Projects having or proposing project-based rental assistance shall comply with the Department's Pooled Transition Reserve Policy set forth in HCD's Administrative Notice No. 23-01: <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/hcd-administrative-memo-transition-reserve-policy.pdf>

## **E. Funding Goals, Geographic Distribution of Funds, and Set-Asides**

The Project Area Type funding goals, geographic goals, Tribal Entity goals, Affordable Housing statutory requirements, funding targets, and AHSC statutory funding set-asides are set forth in Guidelines Section 108(h). Additional policies that may impact the final decision of Project awards are set forth in Guidelines Section 108(i).

## **F. Funding Limits**

Use of multiple HCD funding sources on the same Assisted Units is permitted, subject to the following limitations. (For the purpose of identifying funding limits, Units used in the calculation of AHSC grant amounts will be considered assisted):

1. Notwithstanding any conflicts with the AHSC Guidelines or NOFA, the HCD Repeal of Stacking Prohibition of Multiple Department Funding Sources Memorandum, dated August 20, 2021, is applicable. In the event of a conflict, the NOFA or Guidelines will prevail.
2. Total HCD funding per Project, including funds awarded under this NOFA, shall not exceed the following percentages of the total development cost (TDC):
  - < 40 percent of TDCs for Projects utilizing 9 percent tax credits
  - < 50 percent of TDCs for Projects utilizing 4 percent tax credits
  - < 80 percent of TDCs for Projects not utilizing tax credits

For purposes of calculating total HCD funding, all AHD and Housing Related Infrastructure (HRI) funding shall be considered. Additionally, prior awards made to the Project or any component of the Project, any funds awarded pursuant to this NOFA, and any applicable future HCD awards subsequent to any award made pursuant to this NOFA shall be considered. Note that total HCD funding, for these purposes, does not include STI, TRA, or PGM grants.

All Department funding sources listed in the HCD Repeal of Stacking Prohibition of Multiple Department Funding Sources Memorandum [https://www.hcd.ca.gov/grants-funding/docs/admin\\_memo21-06\\_stacking\\_prohibition\\_repeal.pdf](https://www.hcd.ca.gov/grants-funding/docs/admin_memo21-06_stacking_prohibition_repeal.pdf) dated August 20, 2021, are applicable to the percentages of total development cost listed above. For AHSC, these sources

include AHD loans and HRI grants, but not STI, TRA or PGM grants. This HCD-wide Department funding cap applies not only to AHSC Round 7 awards, but to all Department awards.

At the sole discretion of the SGC's Executive Director, funding levels in excess of the percentages above may be approved as exceptions to the limits if they uniquely advance state policy priorities. Examples include large development Projects that include transformative community investments and advance climate goals through infill development, high density construction and proximity to transit.

To request an exception, the Applicant must submit justification prior to their application under this NOFA. It is in the Applicant's interest to submit justification as early as possible. After justifications are submitted, a recommendation from staff will be made based upon the strength of evidence and submitted to the SGC Executive Director for consideration. If approved, Applicants must submit documentation of approval with any subsequent Department applications for the applicable Project. A form for outlining the justification of the exception request will be provided by the Department.

#### **G. Cost Limitations and Developer Fee**

Developer fee limits specified in UMR Section 8312 shall apply, except that:

1. UMR Section 8312(d) shall not apply.
2. For non-tax credit new construction Projects, the total developer fee shall not exceed the following:
  - a. For Projects with 49 or fewer Restricted Units (excluding Units restricted at levels above 60 percent of AMI): the greater of \$40,000 per Restricted/manager's Unit or \$1,200,000.
  - b. For Projects with between 50 and 100 Restricted Units (excluding Units restricted at levels above 60 percent of AMI): \$2,200,000; and
  - c. For Projects with more than 100 Restricted Units (excluding Units restricted at levels above 60 percent of AMI): \$2,200,000 plus \$20,000 per Restricted Unit in excess of 100 up to a maximum of \$3,500,000. The developer fee in excess of \$2,200,000 must be deferred. Payment of deferred developer fee shall be in compliance with UMR Section 8314.
3. For Projects utilizing 4 percent tax credits, developer fee payments shall not exceed the amount that may be included in Project costs pursuant to Title 4 California Code of Regulations (CCR), Section 10327(c)(2)(B); and

4. Projects that include a Tribal Entity that relies on a partner to meet the experience requirements of an eligible Developer shall have their allowable total developer fee increased according to the following:
  - a. For non-tax credit Projects, an increase of \$300,000 over the limits set forth in (b)(2) (a)-(c) above. Additionally, for Projects with more than 100 Units as defined above in (b)(2)(c), the developer fee paid from sources may increase up to \$2,640,000.
  - b. For Projects utilizing 4 percent tax credits, an increase consistent with Title 4 CCR, Section 10327(c)(2)(E), if eligible pursuant to that section.

## **H. Threshold**

In addition to meeting the requirements of the Guidelines, as described in paragraphs A, B, and C above, Applicants and Projects are also required to meet the Program threshold requirements established in Section 106, Program Threshold Requirements of the Guidelines.

1. For projects secured by leasehold security, leases must meet the requirements of UMR §8316, and both the Borrower and the fee owner of the property must execute the Department's form template lease rider without modification. The lease rider amends the lease and must be recorded on the fee estate.

## **I. Scoring and Ranking**

Applications will be scored according to Guidelines Section 107, Scoring Criteria. AHSC funds will be allocated through a competitive process, based on the merits of the application, as detailed in Section 108, Application Process.

## **J. Negative Points and Disencumbrance Policies**

The Department's Negative Points Policy ([Administrative Notice Number 2022-01](#)) and Disencumbrance Policy ([Administrative Notice Number 2022-02](#)), dated March 30, 2022 and published on the Department's AHSC website at <https://www.hcd.ca.gov/sites/default/files/2022-03/Disencumberance-Policy-FINAL-03-31-22.pdf> are hereby incorporated by this reference to this NOFA. The Department shall apply the Negative Points Policy with equal force as all other provisions set forth herein. The Department shall implement the Negative Points Policy with reasonable and necessary discretion to advance AHSC policy and funding goals.

If the Applicant is subject to a negative points assessment based on the criteria outlined in the Department's Negative Points Policy or is determined to be ineligible for funding, HCD shall notify the Applicant in writing in the initial point score letter.

### III. Application Submission and Review Procedures

Applications must meet eligibility requirements upon submission (except as expressly indicated in the Guidelines or Application Workbook). Modification of the application forms by the Applicant is prohibited. It is the Applicant's responsibility to ensure the application is clear, complete, and accurate. After the application deadline, Department staff may request clarifying information, provided such information does not affect the competitive rating of the application. No information, whether written or oral, will be solicited or accepted if this information would result in a competitive advantage to an Applicant or a disadvantage to other Applicants. No Applicant may appeal the evaluation of another Applicant's application.

#### A. HCD's AHSC Portal Application Components

Complete applications must include the following components:

##### 1. AHSC Application Workbook

All Applicants must complete and submit the AHSC Application Workbook and supporting documentation.

##### 2. AHSC Benefits Calculator Tool

All Applicants must complete and submit the AHSC Benefits Calculator Tool to meet requirements referenced in Guidelines Section 106, Program Threshold Requirements and Estimated GHG Reduction Scoring in Section 107, Scoring Criteria.

##### 3. Electronic AHSC Portal Submission

Application materials must be submitted electronically via HCD's AHSC Portal no later than 4:00 p.m. Pacific Time on **April 4, 2023**. Requirements for uploading the AHSC Application Workbook, required supporting documentation, and identified naming conventions are described in the application instructions that will be available when the application is posted to the AHSC website.

**Personal deliveries will not be accepted.** The Department will no longer accept hardcopy submittals. No facsimiles, incomplete applications, application revisions, or walk-in application packages will be accepted.

#### B. Application Review

##### 1. Phase One

Application completeness and satisfaction of threshold criteria described in the Guidelines will be confirmed. Please note, the threshold review for financial feasibility criteria in this phase consists of only verification of documentation completeness, not an evaluation of the material facts.

The complete financial feasibility review will take place in Phase Three. Phase One is a pass/fail stage and Applicants will receive notification of their status upon completion of threshold reviews with a five-day opportunity to appeal the findings of the reviews.

## **2. Phase Two**

Quantitative policy criteria and AHSC Greenhouse Gas Quantification Methodology (GHG QM) will be evaluated for proposals that have met the requirements of Phase One. An initial score letter will be provided to Applicants with a five-day opportunity to appeal the findings of the reviews. AHSC staff will review appeal responses and revise scores where appropriate. Applications with a final combined quantitative policy criteria and Greenhouse Gas Quantification Methodology point score of fewer than 41 points will not be eligible for award and will not be assigned a narrative score. The final score letter will include notification of application status.

## **3. Phase Three**

An interagency team will review the narrative section of eligible applications. During Phase Three, an in- depth evaluation of the Project's financial feasibility will be performed.

### **C. Application Workshops**

AHSC staff will conduct application webinars and pre-application consultations for the Round 7 application submissions. AHSC webinar details and appointment slots for the pre-application consultations will be posted on the SGC website:

<https://sgc.ca.gov/programs/ahsc/resources/guidelines.html> [[sgc.ca.gov](https://sgc.ca.gov)] and announced through the SGC AHSC [E-Mail list](#)

### **D. Disclosure of Application**

Information provided in the application will become a public record available for review by the public, pursuant to the California Public Records Act (Government Code Sections 6250-6276.48). As such, any materials provided are subject to disclosure to any person making a request under this Act. The Department cautions Applicants to use discretion in providing information not specifically requested, including but not limited to, bank account numbers, social security numbers, personal phone numbers, and home addresses. By providing this information to the Department, the Applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

## **E. Concurrent Applications**

The Department will allow Applicants under this NOFA to pursue more than one funding scenario. This means that a separate, concurrent application to other HCD program funding sources is permitted. All applications under review and anticipated applications must be disclosed in the AHSC application workbook. In instances where such Applicants are competitive for an award, the Department will consult with Applicants to discern which funding scenarios are optimal for Project feasibility while balancing cost containment.

Submission of two concurrent AHSC applications proposing 4 percent and 9 percent tax credit is prohibited. Submitting an AHSC application proposing 4 percent tax credits to the Department and submitting a concurrent 9 percent TCAC application is prohibited without prior approval from the Department.

If switching from a 4 percent to 9 percent project after receiving an AHSC award, the award will be resized and the award letter reissued to reflect the reduced award amount using the unit mix as originally submitted in the application. Please note that the 24-month disencumbrance deadline, however, will continue to be tied to the date of the original award letter. The Sponsor must demonstrate that any resulting gap from the resizing of the loan has been covered through an alternative funding source.

If switching from a 9 percent to a 4 percent project, the award will NOT be resized

Under both circumstances, the Department will only allow a switch between 4 percent and 9 percent one time per project. The Department MUST be notified and, if required, an amended award letter be issued in advance of application submittal to CDLAC or TCAC.

No final determination can be made on whether a specific project may swap from 4 percent to 9 percent, or vice-versa, until updated application materials indicating changes to the project's budget have been submitted, reviewed, and approved by AHSC program staff.

## **F. Prior Awards**

Applicants must disclose all awards of loans and grants for the project at the time of application submittal. Applicants seeking to substitute previously awarded HCD funds, including but not limited to substitutions to increase the amount of an award, must first withdraw their previous award in writing and provide reasonable justification that the substitution is necessary to ensure Project feasibility. A consultation with Department Program staff is required at the time of the withdrawal. Substitutions based solely upon

Applicant preference or convenience will not be permitted. However, it is allowable for Applicants that wish to retain their previous award to apply for another funding source available within this NOFA, so long as the previous award is unmodified.

In general, no changes to unit mix or other Project-specific criteria as represented for a previous award will be allowed if it would have negatively impacted competitiveness under that program. However, the Department will allow previously awarded Projects to lower their proposed income targets from one application to the next, so long as the total unit count remains the same. The Department will restrict units to the lowest targeting across all awarded funds and will require Projects awarded from a program with prioritized target populations to maintain the special population units (increasing target population and/or Restricted Units is permitted). For Projects proposing a reduction to Area Median Income (AMI) levels on the unit mix, prior to application the Recipient must engage with Program staff of their existing award and confirm the change does not impact Project feasibility and would not cause a reduction in awarded funds pursuant to an existing award program's requirement.

### **G. Significant Changes in Project After Application**

The Department will review, and score based on information provided in the application. If there is a significant departure from the application, the Department may re-evaluate the Project's score, reduce loan or grant amount, or assign negative points to the Developer/Recipient.

## **IV. Appeals**

### **A. Basis of Appeals**

1. Upon receipt of the Department's written notice that an application is incomplete, has failed threshold review, or has otherwise been determined to provide an insufficient basis for an award, Applicants under this NOFA may appeal such decision(s) to the Branch Chief or their designee pursuant to this section.
2. No Applicant shall have the right to appeal a decision of the Department relating to another Applicant's application (e.g., eligibility, award). Any request to appeal HCD's decision regarding an application shall be reviewed for compliance with the AHSC Guidelines and this NOFA. All decisions rendered shall be made by the Branch Chief or their designee. The decision shall be final, binding, and conclusive, and shall constitute the final action of the Department.
3. The appeal process provided herein applies solely to the decision of the Department made in this Program NOFA. For greater specificity, Applicants may refer to the appeal procedure set forth in section "V. Appeals" in the Multifamily Finance Super Notice of Funding Availability dated March 30, 2022, Amended June

10, 2022, which is incorporated hereto by this reference, and which the Department shall, to the extent not contrary to this NOFA and feasible, substantially follow.

## **B. Appeal Process and Deadlines**

1. Process: To file an appeal, Applicants must submit to the Branch Chief or their designee, by the deadline set forth below, a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. Furthermore, the Applicant must provide a detailed reference to the area or areas of the application that provide clarification and substantiation for the basis of the appeal. No new or additional information will be considered if this information would result in a competitive advantage to an Applicant. Once the written appeal is submitted to the Department, no further information or materials will be accepted or considered thereafter. Appeals must be submitted to the Department at [ahsc@hcd.ca.gov](mailto:ahsc@hcd.ca.gov) and SGC at [ahsc@sgc.ca.gov](mailto:ahsc@sgc.ca.gov) according to the deadline set forth in Department review letters.
2. Filing deadline: Appeals must be received by the Department no later than five business days from the date of the Department's threshold review, or initial score letters, as applicable, representing the Department's decision made in response to the application.

## **C. Decision**

Any request to appeal the Department's decision regarding an application shall be reviewed for compliance with the AHSC Guidelines and this NOFA. All decisions rendered shall be final, binding, and conclusive, and shall constitute the final action of the Department.

## **V. Award Announcements and Contracts**

### **A. Award Announcements**

Award recommendations will be posted with SGC meeting materials on the SGC's AHSC website at <http://www.sgc.ca.gov/meetings> 10 days prior to the SGC public meeting.

### **B. Contracts**

Successful Applicants (Recipients) will enter into one or more Standard Agreements with the Department. The Standard Agreement contains relevant state and federal requirements, as well as specific information about the award and work to be performed.

A condition of award will be that a Standard Agreement must be executed by the

Recipient within 90 days (contracting period) of HCD's issuance of the award letter. Failure to execute the Standard Agreement(s) within the contracting period may result in award cancellation. The Recipient shall remain a party to the Standard Agreement for the entire term of the Standard Agreement; removal of the Recipient without prior HCD consent is prohibited and will result in a default. Once a Project is awarded HCD funds, the Developer/Recipient is acknowledging the Project as submitted and approved is the Project that is to be funded and built. Any bifurcation would make that award null and void, as the awarded Project is no longer feasible as originally submitted and awarded funds are unable to be assumed or assigned.

### **C. AHSC Cross-Default Provision**

Awards are based on the total points awarded to the application during a highly competitive process. The Standard Agreements set forth requirements for timely completion of Affordable Housing Development (AHD), Housing Related Infrastructure (HRI), Sustainable Transportation Infrastructure (STI), Transportation Related Infrastructure (TRA), or Program (PGM) components. If all components are not timely completed pursuant to Program requirements, the entire award may be disencumbered, and disbursed funds recaptured. The Standard Agreements will expressly cross-default all components of the award to one another.

The Department recognizes the Recipient may enter into separate side agreements to address individual Developer responsibilities with respect to each other and with regard to Program funds; provided, however, in no event shall any such agreement alter or amend the respective obligations of the Recipient to the Department under the applicable loan or grant documents.

### **D. Departmental Cross-Default Provision**

In the event the Project is or has been awarded additional Department funding, any and all such funding, including the award of AHSC Program funds, will be cross defaulted to and among one another in the respective loan or, where applicable, grant documents. A default under one source of Departmental funding shall be default under any and all other sources of Department funding in the Project.

## **VI. Other State Requirements**

### **A. Article XXXIV**

All Projects shall comply with Article XXXIV, Section 1 of the California Constitution, as clarified by the Public Housing Election Implementation Law (Health and Safety Code Sections 37000 - 37002). Article XXXIV documentation for loans underwritten by the Department shall be subject to review and approval by the Department prior to the announcement of award recommendations.

Article XXXIV requires local voter approval before any state public body can develop, construct, or acquire a low-rent housing project in any manner. However, the Public Housing Election Implementation Law (Health and Safety Code Sections 37000 – 37002) provides clarification as to when Article XXXIV is applicable. Health and Safety Code Section 37001, for example, identifies project types that are not considered “low-rent housing projects.”

Applicants must submit documentation substantiating compliance with or exemption from Article XXXIV. If a project is subject to Article XXXIV, the Department requires an allocation letter from the Locality that demonstrates Article XXXIV authority for the project. A local government official with authority must prepare the allocation letter, and it must include the following:

1. The name and date of the proposition and the number of units that were approved;
2. A copy of the referendum and a certified vote tally;
3. The number of units that remain in the Locality’s “bank” of Article XXXIV authority (i.e., the number of units that are still available for allocation); and
4. The number of units that the Locality will commit to this project, including the manager unit.

If a Project is statutorily exempt from Article XXXIV, the Department requires an Article XXXIV opinion letter from the Applicant’s legal counsel.

The Article XXXIV opinion letter must demonstrate that the Applicant has considered both the legal requirements of Article XXXIV and the relevant facts of the Project (e.g., all funding provided by public bodies, including state, county, or city sources, the number of low-income Restricted Units, and the general content of any regulatory restrictions). Any conclusion that a Project is exempt from Article XXXIV must be supported by facts and a specific legal theory for exemption that itself is supported by the Constitution, statute, and/or case law.

## **B. Relocation**

The Applicant must comply with Government Code Section 7260 et seq., the California Code of Regulations, Title 25, Section 6000 et seq., and, if applicable, 49 CFR Part 24 of the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs (URA) (collectively referred to herein as Relocation or Relocation Law).

Failure to comply with applicable relocation requirements will result in rejection of the application and disencumbrance of any awards made to the Project.

### **C. Pet Friendly Housing Act of 2017**

Housing funded through AHSC is subject to the Pet Friendly Housing Act of 2017 (Health and Safety Code Section 50466). Each Recipient is required to submit a signed and dated certification that residents of the AHSC funded housing development will be authorized to own or otherwise maintain one or more common household pets.

## **VII. Other Terms and Conditions**

### **A. Right to Modify or Suspend**

The Department reserves the right, at its sole discretion, to suspend, amend, or modify the provisions of this NOFA at any time, including without limitation, the amount of funds available hereunder. If such an action occurs, the Department will notify all interested parties through the Department's email list and will post the revisions to HCD's AHSC website. Please subscribe to HCD's email list at [Email Signup](#).

### **B. Conflicts**

It is the duty and responsibility of the Applicant to review any funding source they obtain for a Project to ensure each of the requirements for those funding sources are compatible with the Department program requirements.

In the event of any conflict between the terms of this NOFA and AHSC Guidelines and either applicable state or federal law or regulation, the terms of the applicable state or federal law or regulation shall control. Applicants are deemed to have fully read and understand all applicable state and federal laws, regulations, and guidelines pertaining to the relevant program, and understand and agree that the Department shall not be responsible for any errors or omissions in the preparation of this NOFA.

# AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM ROUND 7 PROGRAM GUIDELINES



CALIFORNIA STRATEGIC  
GROWTH COUNCIL



**December 15, 2022**

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**Note: Defined terms are bolded throughout the document. Refer to Appendix A for complete definitions.**

## Article I. AHSC General Overview

### Section 100. Purpose and Scope

- (a) The purpose of these Program Guidelines is to implement Division 44, Part 1 of the Public Resources Code (PRC) (commencing with Section 75200), which establishes the Affordable Housing and Sustainable Communities (AHSC) Program, hereinafter referred to as the **AHSC Program**
- (b) The purpose of the **AHSC Program** is to reduce greenhouse gas (GHG) emissions through projects that implement land-use, housing, transportation, and agricultural land preservation practices to support infill and compact development, and that support related and coordinated public policy objectives, including the following:
  - (1) reducing air pollution;
  - (2) improving conditions in disadvantaged communities;
  - (3) supporting or improving public health and other co-benefits as defined in Section 39712 of the Health and Safety Code;
  - (4) improving connectivity and accessibility to jobs, housing, and services;
  - (5) increasing options for mobility, including the implementation of the Active Transportation Program established pursuant to Section 2380 of the Streets and Highway Code;
  - (6) increasing transit ridership;
  - (7) preserving and developing affordable housing for lower income households, as defined in Section 50079.5 of the Health and Safety Code; and
  - (8) protecting agricultural lands to support infill development.
- (c) This document will serve as the primary document related to eligibility, scoring, and the application process for Round 7 of the **AHSC Program**. Unless stated in this document, previous versions of AHSC Guidelines, attachments, Quantification Methodologies, Question and Answer (“Q&A”) documents, or personal communications with staff from previous rounds are superseded by this document and no longer in effect for projects applying to Round 7.
- (d) Severability: If any provision of these Guidelines are found to be unlawful, unenforceable, or invalid in whole or in part for any reason, such provisions will be severed without affecting any other provision of this document. The validity and enforceability of the remaining provisions, or portions of those provisions, will not be affected.

## Section 101. AHSC Program Overview

The **AHSC Program** furthers the purposes of [AB 32](#) (Chapter 488, Statutes of 2006), [SB 375](#) (Chapter 728, Statutes of 2008), and SB 32 (Chapter 249, Statutes of 2016) by investing in projects that reduce GHG emissions by supporting more compact, infill development patterns, encouraging active transportation and transit usage, and protecting **Agricultural Land** from sprawl development. The Greenhouse Gas Reduction Fund (GGRF), an account established to receive proceeds from Cap-and-Trade auctions, provides funding for the **AHSC Program**. The Cap-and-Trade Program, a key strategy for achieving the GHG emission reduction goals of AB 32, issues a limited number of GHG emissions permits (called allowances) each year. A portion of these allowances can be purchased from the State at quarterly auctions, thereby generating auction proceeds. These State auction proceeds are then deposited in the GGRF, where they become available for appropriation by the Legislature to further the purposes of AB 32.

The **AHSC Program** is administered by the **California Strategic Growth Council (Council or SGC)**. The **Department of Housing and Community Development (Department)** will implement the transportation, housing, and infrastructure components of the **AHSC Program**. The **Council** staff will coordinate efforts with **Department** staff, working with the **California Air Resources Board (CARB)** and the **Council** to administer the broader **AHSC Program**, including developing program guidelines, evaluating applications, preparing agreements, monitoring agreement implementation, and program reporting.

The **Council** will coordinate with **CARB** to develop and incorporate consistent guidance in the following areas, which will apply to all GGRF programs, including the **AHSC Program**:

- Expenditure records to ensure investments further the goals of AB 32.
- SB 535 (Chapter 830, Statutes 2012) and AB 1550 requirements to maximize benefits to **Disadvantaged Communities, Low-Income Communities, and Low-Income Households**.
- Consistent methodologies for quantifying GHG reductions and other economic, environmental, and public health co-benefits.
- Project tracking and reporting.

The **AHSC Program** provides grants and/or loans to projects that achieve GHG emission reductions and benefit **Disadvantaged Communities, Low-Income Communities, and Low-Income Households** through increasing accessibility of affordable housing, employment centers and **Key Destinations** via low-carbon transportation resulting in fewer vehicle miles traveled (VMT) through shortened or reduced vehicle trip length or mode shift to transit, bicycling or walking.

The **AHSC Program** supports the Climate-Friendly, Climate-Ready Housing goals as outlined by [Governor Gavin Newsom's letter to CARB dated July 22, 2022](#). AHSC is funding infill projects that are dense, affordable, and located in transit-rich areas to reduce Vehicle Miles Traveled (VMT). **AHSC Projects** also promote carbon neutrality by funding all electric design and green building techniques, **Urban Greening**, and purchase of **Zero Emission Vehicles (ZEV)**.

Three **Project Area Types** have been identified to implement this strategy: 1) **Transit-Oriented Development (TOD) Project Areas**, 2) **Integrated Connectivity Project (ICP) Project Areas**, or 3) **Rural Innovation Project Areas (RIPA)**.

AHSC award funds will be allocated through a competitive process, based on the merits of applications submitted and the proposed use of funds within the identified **Project Area**.

The threshold requirements and application selection criteria focus on the extent to which developments realize the **AHSC Program's** objectives of reducing GHG emissions, benefiting **Disadvantaged Communities**, **Low-Income Communities**, and **Low-Income Households**, providing affordable housing, demonstrating project readiness, and meeting other policy considerations.

#### Disadvantaged Community Benefits

As a part of California Climate Investments, AHSC will use the updated [Disadvantaged Communities](#) (DAC) designation and the updated low-income community and household threshold collectively referred to as [Priority Populations](#) for Round 7. The updated designation includes:

- Census tracts receiving the highest 25 percent of overall scores in [CalEnviroScreen 4.0](#) (1,984 tracts).
- Census tracts lacking overall scores in [CalEnviroScreen 4.0](#) due to data gaps but receiving the highest 5 percent of [CalEnviroScreen 4.0](#) cumulative pollution burden scores (19 tracts).
- Census tracts identified in the 2017 DAC designation as disadvantaged, regardless of their scores in [CalEnviroScreen 4.0](#) (305 tracts).
- Lands under the control of federally recognized Tribes. For purposes of this designation, a Tribe may establish that a particular area of land is under its control even if not represented as such on CalEPA's DAC map and therefore should be considered a DAC by requesting a consultation with the CalEPA Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations at [TribalAffairs@calepa.ca.gov](mailto:TribalAffairs@calepa.ca.gov).

AB 1550 has also created investment requirements for **Low-Income Communities** and **Low-Income Households**. In July 2018, CARB approved the *Funding Guidelines for Agencies Administering California Climate Investments* that will provide criteria to evaluate whether a project provides a benefit to a **Disadvantaged Community**, **Low-Income Community**, or **Low-Income Household**. These guidelines can be found [here](#).

A **Project** that is located in, and provides benefits to, a **Disadvantaged Community**, **Low-Income Community**, or **Low-Income Households** may receive priority for funding in order to meet the AHSC Program **Disadvantaged Community** and **Low-Income Community** funding requirements. **Projects' Disadvantaged Community** and **Low-Income Community** status is based upon the location of their AHSC-funded **Affordable Housing Development**.

### Vision for Racial Equity

The California Strategic Growth Council (SGC) is committed to achieving racial equity in its operations, investments, and policy initiatives and to achieving its vision that: All people in California live in healthy, thriving, and resilient communities regardless of race. Read more in the [SGC Racial Equity Action Plan](#).

## Figure 1: Affordable Housing and Sustainable Communities (AHSC) Program Overview

### Transit Requirements (All Project Areas) (Section 102)

- **Transit Oriented Development (TOD) Project Areas** and **Integrated Connectivity Project Areas (ICP)** MUST also include a **Transit Station/Stop**, served by at least one **Qualifying Transit** line departing two or more times during **Peak Hours** (unless it is **Flexible Transit Service**). This level of service must have been publicly posted by the provider at some point between January 2023 and the time of application. **Rural Innovation Project Areas (RIPA)** can include an existing or planned **Transit Station/Stop** as long as it is in place by the time a certificate of occupancy is provided.
- *Note: ICP/RIPA projects that propose addition of High Quality Transit will remain eligible as an ICP/RIPA.*

### Required AHSC-Funded Components (Section 102 and Section 103)

- At least fifty (50) percent of **AHSC Program** funds for each **Project** MUST be used for **Affordable Housing** (which includes **Affordable Housing Developments** or **Housing Related Infrastructure** or both); and
- At least one other type of **Eligible Capital Project** or **Program Cost**

### Eligible Capital Projects or Program Costs (Section 103)

**Projects** must have one of these costs:

- **Affordable Housing Developments (AHD)**
- **Housing Related Infrastructure (HRI)**

AND one of the costs listed below:

- **Sustainable Transportation Infrastructure (STI)**
- **Transportation Related Amenities (TRA)**
- **Programs (PGM)**

### Affordable Housing Development Requirements (Section 103)

**Affordable Housing Developments** may be:

- New construction
- Acquisition and **Substantial Rehabilitation** including preservation of affordable housing at-risk
- Conversion of one or more nonresidential structures to residential dwelling units

### Project Awards and Project Area Types (Section 104 and Section 102)

- All **Project Area Types** are subject to the following minimum and maximum award amounts: Maximum: \$50 million (\$35 million for **AHD/HRI**, \$15 million for **STI/TRA/PGM**) Minimum: \$10 million
- **Project Area Types and specific requirements:**
  - **Transit-Oriented Development (TOD) Project Area**
    - **AHD** MUST be served by **High Quality Transit**
  - **Integrated Connectivity Project (ICP) Project Area**
    - **AHD** MUST NOT be served by **High Quality Transit**
  - **Rural Innovation Project Area (RIPA)**
    - **AHD** MUST NOT be served by **High Quality Transit**; and
    - **AHD** MUST be located within a **Rural Area**

### Funding Goals and Requirements (Section 108)

- At least 35.0 percent of **NOFA** to **TOD Project Areas**
- At least 35.0 percent of **NOFA** to **ICP Project Areas**
- At least 10.0 percent of **NOFA** to **RIPAs**
- At least one **Project** from an eligible **Tribal Entity**
- At least one **Project** from each geographic area as defined in Sec. 108
- Programmatic Financial Requirements
  - At least 50.0 percent of the **AHSC Program** expenditures shall be for Affordable Housing (Health & Safety Code § 39719(a)(1)(C)); and
  - At least 50.0 percent of **AHSC Program** expenditures must benefit **Disadvantaged Communities (DAC)** (Health & Safety Code § 39719(a)(1)(C)); and
  - At least 5.0 percent of **AHSC Program** expenditures must benefit **Low-Income Communities** ([California Climate Investments Guidelines](#)); and
  - At least 5.0 percent of **AHSC Program** expenditures must benefit **Low-Income Households** or communities outside of but within a half-mile of **Disadvantaged Communities** ([California Climate Investments Guidelines](#))

## Article II. Program Requirements and Procedures

### Section 102. Eligible Projects

The **AHSC Program** is designed to implement GHG emission reductions through a reduction of vehicle miles traveled (VMT), or fewer and shorter auto-trips. The **AHSC Program** will fund integrated land use and transportation projects supporting low-carbon transportation options. Promoting mode shift to low-carbon transportation requires strategies that link residential areas, major employment centers and other **Key Destinations** to accessible, reliable, affordable, safe and comfortable transit and active transportation options.

- (a) The **Project Area** is the area which encompasses transit, housing and destinations and is the area in which **Project** funds will be primarily focused. Each **Project Area** must:
- (1) Be a contiguous area with no greater than a one (1.0) mile radius from any single point inside the parcel of the **Affordable Housing Development**. Projects that are made up of **Scattered Sites** must choose one point in one of the parcels of the applicant's choice.
  - (2) Include at least one **Transit Station/Stop** consistent with the requirements set forth in (c) or (d) below; and
  - (3) Include all AHSC-funded **Sustainable Transportation Improvements** and **Transportation Related Amenities**. AHSC-funded **STI** components (e.g., a bus-only lane, **Transit Signal Priority**, a bikeway, or sidewalk) may extend beyond the boundaries of the **Project Area**, but a pedestrian entrance to the facility must be located inside the **Project Area**. If making an **STI** improvement to a fixed route transit route, there must be a **Transit Station/Stop** of that route within the **Project Area**. If making an **STI** improvement to a **Flexible Transit Service**, the service area must include the **AHD**.
- (b) The **AHSC Program** includes three eligible **Project Area Types**: 1) **Transit-Oriented Development (TOD) Project Areas**; 2) **Integrated Connectivity Project (ICP) Project Areas**, and 3) **Rural Innovation Project Areas (RIPA)**.

All projects, regardless of **Project Area Type**, must demonstrate VMT reduction through fewer or shorter vehicle trips or through mode shift to transit use, bicycling or walking within transit areas, with an emphasis on integrating or developing affordable housing, and with an emphasis on providing benefits to **Disadvantaged Communities** or **Low-Income Communities**. There are several differentiating requirements between each **Project Area Type**, as described below.

- (c) **TOD Project Areas** must demonstrate all the following:
- (1) Include at least one (1) **Transit Station/Stop** that is served by **High Quality Transit** at the time of application submittal which is located no farther than one-half (0.50) mile from the **Affordable Housing Development** along a pedestrian access route. If the pedestrian access route is not already in place at the time of application, the route must be in place by the time a certificate of occupancy is provided; and

- (2) Include **Capital Projects** or **Program Costs**:
  - (A) At least one of the following: **Affordable Housing Development (AHD)**; **Housing Related Infrastructure (HRI)**; AND
  - (B) At least one of the following: **Sustainable Transportation Infrastructure (STI)**; **Transportation Related Amenities (TRA)**; **Program Costs (PGM)**
- (d) **ICP Project Areas** must demonstrate all the following:
  - (1) Include at least one (1) **Transit Station/Stop** that is served by the **Qualifying Transit** at the time of application submittal which is located no farther than one-half (0.50) mile from the **Affordable Housing Development** along a pedestrian access route. If the pedestrian access route is not already in place at the time of application, the route must be in place by the time a certificate of occupancy is provided; and
  - (2) Does not include a **Transit Station/Stop** that is served by **High Quality Transit** at the time of application submittal which is located within one-half (0.50) mile from the **Affordable Housing Development** along a pedestrian access route; and
  - (3) Include **Capital Projects** or **Program Costs**:
    - (A) At least one of the following: **Affordable Housing Development (AHD)**; **Housing Related Infrastructure (HRI)**; AND
    - (B) At least one of the following: **Sustainable Transportation Infrastructure (STI)**; **Transportation Related Amenities (TRA)**; or **Program Costs (PGM)**
- (e) **RIPAs** must demonstrate all the following:
  - (1) Include at least one (1) existing or planned **Transit Station/Stop** that is served by the **Qualifying Transit** that is located no farther than one-half (0.50) mile from the **Affordable Housing Development** along a pedestrian access route. If the pedestrian access route is not already in place at the time of application, the route and **Transit Station/Stop** must be in place by the time a certificate of occupancy is provided.
  - (2) Meet all the requirements detailed in Section 102(d)(2) and Section 102(d)(3) above; and
  - (3) Must be located within a **Rural Area**, as defined in California Health and Safety Code 50199.21.

## Section 103. Eligible Costs

The **AHSC Program** funds **Capital Projects** and eligible **Program Costs** within **TOD, ICP** and **RIPA Project Areas** consistent with requirements of Section 102(c), (d), and (e) as follows:

- **Affordable Housing Development (AHD)**
- **Housing Related Infrastructure (HRI)**
- **Sustainable Transportation Infrastructure (STI)**
- **Transportation Related Amenities (TRA)**
- **Community Education and Other Program Costs (PGM)**

Each **Capital Project** or **Program Cost** must be unique to a single application and cannot be split over multiple applications.

Examples of **Eligible Costs** within each category of eligible **Capital Projects** and **Program Costs** are identified in Figure 2 below. Note that these are examples and not an exhaustive list. To be considered a stand-alone component under any of the categories, the improvements must meet the guidelines definition of that component (e.g., **STI, TRA, PGM**, etc.):

**Figure 2: Eligible Cost Examples**

<b>Eligible Cost Examples</b>	<b>AHD/ HRI</b>	<b>STI</b>	<b>TRA</b>	<b>PGM</b>
Construction or Substantial Rehabilitation of affordable housing	X			
Installation of broadband internet trunk line or fixed wireless infrastructure	X			
Installation of on-site energy storage (battery arrays)	X			
Installation of new or improved walkways that improve mobility and access of pedestrians		X		
Installation of new or improved bikeways that improve mobility and access of cyclists		X		
Installation of new or improved pedestrian crossings or over-crossings		X		
Repaving and road reconstruction costs, only for the portion of the roadway where the new or improved walkway and bikeway is installed		X		
Streetscape improvements, including, but not limited to the installation of lighting, signage, or other related amenities that improve the safety or convenience of pedestrians, cyclists, or transit riders, but do not increase capacity for private vehicles			X	
Street crossing enhancements including installation of accessible ramps or pedestrian signals		X		
Installation of traffic calming measures including development of curb extensions, roundabouts, median islands, traffic diverters, chicanes, "road diets," lane narrowing projects		X		
Signage and way-finding markers for pedestrians or transit users		X		
Bike sharing infrastructure and fleet		X		
Signage and striping of a dedicated bus lane		X		
Transit operations for new service or service expansion		X		

<b>Eligible Cost Examples (continued)</b>	<b>AHD /HRI</b>	<b>STI</b>	<b>TRA</b>	<b>PGM</b>
ZEV transit vehicles and charging infrastructure for new service or service expansion		X		
ZEV vehicles and charging infrastructure for use in a car share program that is accessible to the public, and includes reduced costs for low-income participants		X		
Transit related equipment to increase service or reliability		X		
Transit Signal Priority technology systems		X		
Installation of at-grade boarding infrastructure or concrete bus pads at bus stops		X	X	
Transit passenger amenities (e.g., Wi-Fi access, Digital or Integrated Fare Collection)		X	X	
Street furniture (e.g., benches, shade structures, etc.)		X	X	
Development or improvement of transit facilities or stations			X	
Real-time arrival/departure information systems			X	
Development or improvement of shelters or waiting areas at transit station/stops			X	
Transit fare machine purchase or improvements			X	
Publicly accessible bicycle parking or repair kiosks			X	
Bicycle carrying devices on public transit			X	
Station area signage capital improvements			X	
Publicly accessible ZEV Open Network charging infrastructure	X	X	X	
Zero Emission Transit Vehicle (ZEV) Charging Infrastructure	X	X	X	
Energy efficiency and renewable energy capital improvements	X	X	X	
Urban Greening and water efficiency capital improvements	X	X	X	
Pedestrian and bicycle safety education programs				X
Development and implementation of "walking school bus" or "bike train" programs				X
School crossing guard training programs				X
Bicycle and pedestrian safety clinics or bike rodeos				X
Safe Passages Programs				X
Bike sharing program operations				X
ZEV car share programs				X
Transit subsidy programs				X
Education and marketing of transit subsidy programs				X
Transportation Demand Management (TDM) programs				X
Air pollution exposure reduction program				X
Workforce development partnerships				X
Tenant education and support services (e.g., finances, housing, legal, wellness, workforce)				X
Digital or financial literacy programs for AHD residents				X
No-cost broadband internet service for AHD residents				X

(a) **Capital Projects**

(1) **Affordable Housing Development Capital Projects**

(A) **Affordable Housing Development Capital Projects** must:

- (i) Consist of one or more of the following:
  - a. New Construction
  - b. Acquisition and **Substantial Rehabilitation** (including preservation of affordable housing at-risk of conversion to market rate). The acquisition must be made through a bona fide sale or transfer from the existing ownership entity to the new ownership entity comprised of a completely disparate ownership structure, which contains no common entity interest at any level of the organizational structure. Re-syndication of an **Affordable Housing Development** is not an eligible **Capital Project**.
  - c. Conversion of one or more nonresidential structures to residential dwelling units.
- (ii) Be located within one-half (0.50) mile from a **Transit Station/Stop** that meets the **Project Area** transit requirements as defined in Section 102(c) or (d). The one-half (0.50) mile is to be measured from any edge of the **AHD** parcel to the bus stop or pedestrian entrance to a **Transit Station/Stop** along a pedestrian access route. If the route is not already in place at the time of application, the route must be in place by the time a certificate of occupancy is provided. The **STI/TRA** components of the **Project** can fund this improvement. If the pedestrian access route is not clearly demonstrated in the submitted supporting documentation, additional clarification may be requested to substantiate compliance with requirements.
- (iii) Rental and Homeownership **Affordable Housing Developments** must include at least 20 percent of the total residential units as **Affordable Units**. Rental **AHD Projects** must have an overall **Project** average affordability of all **Restricted Units** within the **Project** no greater than 50 percent represented by **Area Median Income (AMI)**. There is no requirement regarding overall **Project** average affordability of all **Restricted Units** for homeownership **AHDs**. Average affordability means the total number of **Restricted Units** multiplied by each restricted affordability level divided by the total **Restricted Units**. For example, for a 30-unit **Project** with 10 units restricted to 40 percent and 10 units restricted to 60 percent **AMI** the calculation of the average affordability would be as follows:
  - a. 10 units @ 40% **AMI** is  $10 \times 40 = 400$
  - b. 10 units @ 60% **AMI** is  $10 \times 60 = 600$
  - c.  $400 + 600 = 1,000$ ;
  - d.  $1,000/20$  total **Restricted Units** = average affordability of 50%.And;

- (iv) The **Affordable Housing Development** must demonstrate a minimum **Net Density** not less than that shown below in Section 103(a)(1)(A)(iv)(a.) or (b.)

*Note: While applicants may choose which **Net Density** formula they wish to use for **Project Eligibility**, **Applicants** must use the Un-Adjusted Minimum **Net Density** (Figure 3) for quantification of GHG reductions*

- a. For the total number of dwelling units in the project to be used in the calculation of **Net Density**, the **Applicant** may use either the un-adjusted total number of dwelling units in the project (Figure 3) or a number adjusted for unit size as described in Section 103(a)(1)(A)(iv)(b.).

**Figure 3: Un-Adjusted Minimum Net Density**

<b>Project Area Type</b>	<b>Residential Only Projects</b>	<b>Mixed Use Developments (Floor Area Ratio)</b>
<b>TOD</b>	30 units per acre	> 2.0
<b>ICP</b>	20 units per acre	> 1.5
<b>RIPA</b>	15 units per acre	> 0.75

- b. For the total number of dwelling units in the project to be used in the calculation of **Net Density**, the **Applicant** may use either the un-adjusted total number of dwelling units in the project (Figure 3) or a number adjusted for unit size by multiplying the factors shown below by the total number of units in each unit size category, then summing the resulting products:
- 0 Bedroom = 0.7 factor
  - 1 Bedroom = 0.9 factor
  - 2 Bedroom = 1.5 factor
  - 3 Bedroom = 1.6 factor
  - 4 Bedroom = 1.8 factor
- c. **Mixed Use Affordable Housing Developments** may demonstrate consistency with the **Net Density** requirements through either the unit per acre or **Floor Area Ratio** requirements detailed in Figure 3.
- d. Acquisition and **Substantial Rehabilitation** (including preservation of affordable housing at-risk of conversion to market rate housing) are exempt from the above minimum density requirements but shall not result in fewer units or lower percentage of total affordability than currently exists except where reductions in unit count are required to meet building code requirements.
- (v) Must supply at least one (1) **Secure Overnight Bicycle Parking** spot that is not publicly accessible and is completely enclosed for every two residential units. Bicycle parking at the **Affordable Housing Development** will be considered an eligible cost but may not be used to meet required **Project Area** components as outlined in Section 102.

- (B) **Affordable Housing Development Capital Projects** may:
- (i) Include residential units that are rental or homeownership, or a combination of both;
  - (ii) Consist of a **Scattered Site** constituting a single, integrated **Affordable Housing Development**. Rental **Affordable Housing Developments** on a **Scattered Site** must meet all the requirements set forth by Section 8303(b) of the Uniform Multifamily Regulations (UMRs). For Homeownership **Affordable Housing Developments** on **Scattered Sites**, the individual sites must have a single owner at the time of execution of the AHSC grant agreement;
  - (iii) Include nonresidential uses that are compatible under local zoning.
- (C) **Eligible costs for Affordable Housing Development Capital Projects** are limited to:
- (i) Loans for rental **Affordable Housing Development**. Eligible loan costs for a **Housing Development**, as specified in Section 7304 and 7305 of the **MHP Guidelines**.
  - (ii) Grants for homeownership **Affordable Housing Development**. Eligible grant costs as specified in Section 7747 of the [CalHome Guidelines dated November 27, 2019](#). Construction and **Substantial Rehabilitation** work is also an **Eligible Cost**.
  - (iii) Soft costs such as those incidentally but directly related to construction or other pre-development components including, but not limited to, planning, engineering, construction management, architectural, and other design work, required mitigation expenses, appraisals, legal expenses, and necessary easements. Soft costs shall not exceed 10 percent of costs associated with the funding request for the **AHD Capital Project**.
  - (iv) Each AHSC application may budget up to 2 percent of their total funding request for **Employment Benefits and Outcomes Reporting**. This amount will scale with the size of the **Applicant's** funding request. **Applicants** should consider the size of their loan and grant funded project components when allocating this item into capital cost budgets. **Employment Benefits and Outcomes Reporting** costs are not included within the soft costs cap.
- (D) **Affordable Housing Development and Housing Related Infrastructure Capital Project Eligible Costs** must comprise *at least* fifty percent (50.0%) of total AHSC funds requested.
- (E) A **Project** may not contain more than one **Affordable Housing Development Capital Project**. A single **Affordable Housing Development Capital Project** may not include more than one **Affordable Housing Development**, nor may it include an **Affordable Housing Development** that contains multiple development sites when one development site is receiving 4 percent low-income housing tax credits, and another is receiving 9 percent low-income housing tax credits, or when the multiple development

sites are each receiving separate 4 percent low-income housing tax credits. An application proposing an **Affordable Housing Development** with both 4 percent low-income housing tax credits and 9 percent low-income housing tax credits, or with multiple 4 percent low-income housing tax credits, will be disqualified on the grounds that it is not proposing a **Project** within the meaning and design of the **AHSC Program**. To the extent such tax credit scenarios are contemplated, they shall constitute two separate and independent **Projects**, each of which must submit an entirely separate application and qualify independently of the other.

- (i) The purpose of this subsection is to clarify which types of **Project** structures are eligible within a single AHSC application and award. This reinforces AHSC's directive to SGC, HCD, and CARB to identify and fund unified, cohesive **Projects** which interdependent components truly work together to create reductions in VMTs and ultimately GHG emissions. Any **Project** that represents at application as a single **Affordable Housing Development** for scoring purposes, but after receiving an award letter attempts to split its single **Affordable Housing Development** into multiple **Affordable Housing Developments** with separate ownership structures or separate financing structures will be disencumbered as it no longer meets the requirements of AHSC.

(2) **Housing Related Infrastructure Capital Projects**

(A) **Eligible costs for Housing Related Infrastructure Capital Projects** are limited to any of the following:

- (i) Capital improvements required by a **Locality**, transit agency, or special district as a condition to the approval of the **Affordable Housing Development**.
- (ii) Soft costs such as those incidentally but directly related to construction or other pre-development components including, but not limited to, planning, engineering, construction management, architectural, and other design work, required mitigation expenses, appraisals, legal expenses, and necessary easements. Soft costs shall not exceed 10 percent of costs associated with the **HRI Capital Project**.
- (iii) Each AHSC application may budget up to 2 percent of their total funding request for **Employment Benefits and Outcomes Reporting**. This amount will scale with the size of the **Applicant's** funding request. **Applicants** should consider the size of their loan and grant funded project components when allocating this item into capital cost budgets. **Employment Benefits and Outcomes Reporting** costs are not included within the soft costs cap.
- (iv) Required environmental remediation necessary for the **HRI Capital Project** where the cost of the remediation does not exceed 50 percent of **AHSC Program** grant funds.
- (v) Real property acquisition (not inclusive of the **AHD** site) of the **Housing Related Infrastructure** project site and associated fees

and costs (not to exceed 10 percent of the total **AHSC Program** award). Real estate commissions for purchase or acquisition are not an eligible expenditure.

- (vi) Impact fees required by local ordinance are eligible for funding only if used for the identified eligible **HRI Capital Project** not to exceed 15 percent of the **AHSC Program** award up to \$300,000.
- (vii) The purchase and installation of on-site energy storage in the form of battery arrays, as certified by an energy consultant or architect.

(B) **Affordable Housing Development and Housing Related Infrastructure Capital Projects** must comprise *at least* fifty percent (50.0%) of total AHSC funds requested.

(3) **Sustainable Transportation Infrastructure Capital Projects** (including **Active Transportation** and transit infrastructure)

(A) **Eligible costs for Sustainable Transportation Infrastructure Capital Projects** are limited to:

- (i) Capital improvements that result in the improvement or addition of infrastructure that encourages mode-shift by enhancing: 1) public transit access; 2) pedestrian network; or 3) bicycle network (includes public bike-share infrastructure and fleet) within the defined **Project Area** meeting the transit requirements detailed in Section 102 (c) or (d).

**STI Capital Projects** may extend beyond the boundaries of the **Project Area**, but a pedestrian entrance to the facility must be located inside the **Project Area**. If making an **STI** improvement to a fixed transit route, there must be a **Transit Station/Stop** of that route within the **Project Area**. If making an **STI** improvement to a **Flexible Transit Service**, the service area must include the **AHD**.

- (ii) Soft costs such as those incidentally but directly related to construction or project plans, specifications and estimates including, but not limited to, planning, engineering, construction management, architectural, and other design work, environmental impact reports and assessments, appraisals, legal expenses, and necessary easements. Soft costs shall not exceed thirty (30.0) percent of costs associated with the **STI Capital Project**.
- (iii) Each AHSC application may budget up to 2 percent of their total funding request for **Employment Benefits and Outcomes Reporting**. This amount will scale the size of the **Applicant's** funding request. **Applicants** should consider the size of their loan and grant funded project components when allocating this item into capital cost budgets. **Employment Benefits and Outcomes Reporting** are not included within the soft costs cap.
- (iv) **Activity Delivery Costs** that are associated with the implementation of the **STI Capital project** not to exceed 10 percent of the costs associated with the **STI Capital Project**.

- (v) Transit operations expenditures for up to 10 years that directly expand fixed route, flexible and paratransit transit service, by supporting new, restored, or expanded routes and may include wages, fueling, maintenance, and other costs to operate those services.
  - (vi) All vehicles purchased using **AHSC Program** funds must be **Zero Emission Vehicles (ZEV)**. Transit types that do not have an approved zero emission passenger locomotive for use, must provide documentation stating so, and purchase vehicles that meet EPA Tier 4 emission standards.
  - (vii) Other **STI Capital Project** costs required as a condition of local approval for the **STI Capital Project**, as approved by the **Department**.
- (B) The total combined grant amount for **Sustainable Transportation Infrastructure Capital Projects** and **Transportation Related Amenities Capital Projects** that are part of the AHSC funds requested shall not exceed \$15,000,000.
- (4) **Transportation Related Amenities Capital Projects**
- (A) **Transportation Related Amenities** must be publicly accessible.
  - (B) **Eligible costs for Transportation Related Amenities Capital Projects** are limited to:
    - (i) Capital improvements that are publicly accessible and provide supportive amenities to cyclists, pedestrians, and transit riders (e.g., bike parking, bus shelter, benches, street trees, etc.) within the defined **Project Area** meeting the transit requirements detailed in Section 102 (c) or (d).
    - (ii) Soft costs such as those incidentally but directly related to construction project plans, specifications, and estimates including, but not limited to, planning, engineering, construction management, architectural, and other design work, environmental impact reports and assessments, appraisals, legal expenses, and necessary easements. Soft costs shall not exceed 10 percent of costs associated with the **TRA Capital Project**.
    - (iii) Each AHSC application may budget up to 2 percent of their total funding request for **Employment Benefits and Outcomes Reporting**. This amount will scale with the size of the **Applicant's** funding request. **Applicants** should consider the size of their loan and grant funded project components when allocating this item into capital cost budgets. **Employment Benefits and Outcomes Reporting** costs are not included within the soft costs cap.
    - (iv) **Activity Delivery Costs** that are associated with the implementation of the **TRA Capital Project** not to exceed 10 percent of the costs associated with the **TRA Capital Project**.
    - (v) Other **TRA Capital Project** costs required as a condition of local approval for the **TRA Capital Project**, as approved by the **Department**.

- (C) The total combined grant amount for **Sustainable Transportation Infrastructure Capital Projects** and **Transportation Related Amenities Capital Projects** that are part of the AHSC funds requested shall not exceed \$15,000,000.
- (b) **Program Costs**
- (1) **Program Costs** include those costs typically associated with 1) program creation or 2) expansion of existing programs to serve new populations or offer new program service and implementation. Eligible costs may include operational costs for programs for the term of the grant (3 years). Programs include education, outreach and training programs for **Active Transportation** or transit ridership; air pollution exposure reduction; workforce development partnerships; tenant legal counseling services; and outreach, education, and subsidy to low-income residents for **ZEV** car sharing. Access and availability of **Programs** may be limited to **AHD** residents or may be offered to the greater community. Additionally, costs and fees associated with the ongoing provision of broadband internet service, as defined in Section 106, provided free of charge to the **AHD** residents are an eligible **Program Cost**.
- (A) Tenant legal counseling services cannot be provided by the **Developer**, building manager, or related entity and must be offered through a third party.
- (2) The total grant amount for **Program Costs** within a **Project Area** shall not exceed 30 percent of the funding request for the overall **Project** up to \$600,000. Costs incurred for required transit passes or cards described in Section 106 (4) will not contribute to this cap.
- (c) Ineligible costs include, but are not limited to, all the following:
- (1) Costs are not eligible for funding if there is another feasible, available source of committed funding for the **Project** portion thereof to be funded by the **AHSC Program** or if the cost is incurred prior to **AHSC Program** award;
- (2) Routine maintenance or operations of transportation infrastructure unrelated to AHSC-funded transit service, including the general transit fleet;
- (3) In lieu fees for local inclusionary housing programs;
- (4) Ongoing operational costs beyond the term of the grant (three years) for **Program Costs**; and
- (5) Costs associated with automobile or motorcycle parking (excluding electric vehicle charging infrastructure);
- (6) Costs associated with fossil fuel-based backup power.

## Section 104. Assistance Terms and Limits

- (a) The maximum **AHSC Program** loan or grant award, or combination thereof, for a **TOD, ICP, and RIPA Project** is \$50 million with a minimum award of \$10 million.
- (b) Loans for rental **Affordable Housing Developments**, or the rental portions of an **Affordable Housing Development**, are subject to the following terms:
  - (1) **AHSC Program** funds will be provided as a loan for permanent financing by the **Department** to the owner of the **Affordable Housing Development**, with the same terms as the **Department's MHP** Program financing as set forth in Section 7308 of the **MHP Guidelines**.
  - (2) The maximum loan amount shall be calculated pursuant to Section 7307 of the **MHP Guidelines** based on the number of **Restricted Units** in the **Affordable Housing Development**, affordability, unit sizes, and location in addition to the base amount for loan calculation as follows:

The initial base loan amount shall be:

- (A) \$150,000 per **Assisted Unit** utilizing 9 percent tax credits;
- (B) \$200,000 per **Assisted Unit** utilizing 4 percent tax credits; or
- (C) \$300,000 per **Assisted Unit** utilizing no tax credit

The base per **Restricted Unit** loan limit is inclusive of all requested **AHD** loan funds and all **Department** loan awards made prior to the application close date. A manager's unit will be considered a **Restricted Unit** for the purpose of allocating **Affordable Housing Development** costs and may qualify for a loan amount up to the amount applicable to the 60 percent **AMI** level.

Total **Department** loan and grant funding, including all AHSC funds, shall not exceed the following percentages of the total development cost.

- 40 percent for **Projects** utilizing 9 percent tax credits
- 50 percent for **Projects** utilizing 4 percent tax credits
- 80 percent for **Projects** not utilizing tax credits

In calculating percentage of total development cost, total **Department** funding shall be inclusive of both loan and grant awards received at any point in time. Thus, total **Department** funding will include prior loan and grant awards, AHSC awards, and shall also be applicable to future **Department** awards subsequent to any AHSC award. Only the **Department** funding sources listed in Administrative Notice Number: 21-06, are applicable to the percentages of total development cost listed above and the total **Department** funding.

- (3) Unless expressly contradicted by any other provision expressly set forth herein, the currently adopted and applicable UMRs as may be amended from time to time, all as set forth in the CCR, Title 25, commencing with Section 8300 ("UMRs") are hereby incorporated by reference in their totality into these Guidelines.
- (4) Use of multiple **Department** funding sources on the same **Assisted Unit(s)** (subsidy stacking) is permitted, subject to the **Department's** Repeal of Stacking

Prohibition of Multiple Department Funding Sources Memo. Additional limitations on the use of multiple **Department** funding sources may be specified in the **NOFA**. Limits on **Department** funding, including loan or grant funds on a per unit, per project, and/or per **Developer** basis may be further specified in the **NOFA**.

- (c) Grants shall be subject to the following terms:
- (1) The applicant must demonstrate that the grant will not result in a profit that exceeds the commercially reasonable range for other developments of similar size and level of risk.
  - (2) **AHSC Program** grant funds will be disbursed as reimbursed progress payments only after the execution of the Standard Agreement in the amount not to exceed the **AHSC Program** award of funds.
  - (3) Eligible costs incurred after the award date are eligible for reimbursement once the Standard Agreement is executed. Costs incurred prior to award are not eligible for reimbursement.
  - (4) For **Housing Related Infrastructure Capital Project** grants:
    - (A) The total **Housing Related Infrastructure Capital Project** grant amount is \$35,000 per residential unit in the proposed **Affordable Housing Development**, or \$50,000 per **Restricted Unit**.
    - (B) Conditions precedent to the first disbursement of **AHSC Program** funds shall include receipt of all required **Public Agency** entitlements and all construction funding commitments for the **Affordable Housing Development** supported by the **Housing Related Infrastructure Capital Project**.
    - (C) Rental **Affordable Housing Developments** supported by the **Housing- Related Infrastructure Capital Project** shall be subject to a recorded covenant ensuring affordability for duration of at least 55 years, recorded on the fee interest of the real property on which the rental **Affordable Housing Development** is to be located.
    - (D) Homeownership **Affordable Housing Developments** supported by the **Housing Related Infrastructure Capital Project** shall be subject to a recorded covenant with a duration of at least 30 years that includes either a resale restriction or equity sharing upon resale, recorded on the fee interest of the real property on which the homeownership **Affordable Housing Development** is to be located.
  - (5) For homeownership **Affordable Housing Developments** grants:
    - (A) **AHSC Program** grant funds will be disbursed as reimbursed progress payments only after the execution of the Standard Agreement in the amount not to exceed the **AHSC Program** award of funds.
    - (B) All **Restricted Units** must be made available for sale to qualified **First-time homebuyers**.
    - (C) The maximum grant amount per **Restricted Unit** is calculated pursuant to Section 7307 of the **MHP** Guidelines based on the number of **Restricted Units** in the **Affordable Housing Development**, affordability, unit sizes, and location in addition to the base amount of \$200,000 except that the

maximum grant amount per **Restricted Unit** for a given homeownership **AMI** tier shall equal the maximum loan amount per **Restricted Unit** for a given rental **AMI** tier as follows:

- (i) For homeownership **AMI** tier of 55-85%

Homeownership <b>AMI</b>	85%	80%	75%	70%	65%	60%	55%
Rental <b>AMI</b>	45%	40%	35%	30%	25%	20%	15%

- (ii) For homeownership **AMI** tier of 90-120%

Homeownership <b>AMI</b>	120%	115%	110%	105	100%	95%	90%
Rental <b>AMI</b>	80%	75%	70%	65%	60%	55%	50%

- (D) Conditions precedent to the first disbursement of **AHSC Program** funds shall include receipt of all required **Public Agency** entitlements and all construction funding commitments for the homeownership **Affordable Housing Development**.
- (E) Prior to any disbursement, an affordability covenant will be recorded against the fee interest in the property of the homeownership **Affordable Housing Development**.
- (F) Homeownership **Affordable Housing Developments** supported by the **Housing Related Infrastructure Capital Project** shall be subject to a recorded covenant with a duration of at least 30 years that includes either a resale restriction or equity sharing upon resale, recorded on the fee interest of the real property on which the homeownership **Affordable Housing Development** is to be located.

## Section 105. Eligible Applicants

### (a) Eligible Applicants

- (1) Eligible applicant entities shall include any of the following:
  - (A) A **Locality**, public housing authority, redevelopment successor agency, transit agency or transit operator, Regional Transportation Planning Agency (RTPA), local Transportation Commission, Congestion Management Agency, Joint Powers Authority (JPA), school district, facilities district, University or Community College District.
    - (i) For **STI** or **TRA** components only, an applicant may provide an executed agreement with a specific **Locality** or transportation agency non-applicant for the completion of the **STI** or **TRA** components of the AHSC Project for which funding is sought.
  - (B) A **Developer** or **Program Operator**.
  - (C) A **Tribal Entity** whose **Project** meets requirements listed in detail in Appendix B.
- (2) A special purpose entity formed and controlled by the **Developer**, and which will serve as the ultimate borrower of AHSC loan funds, is not an eligible **Applicant**. A special purpose entity ultimate borrower meeting the requirements of UMR 8313.2 may be listed on the **AHSC Program** application in the appropriate, designated fields for listing such a borrower entity.
  - (A) Single purpose entities not meeting the requirements of a special purpose entity pursuant to UMR 8313.2, whether serving as an intermediate entity within the ultimate borrower structure or not, are not **Eligible Applicants**. Such single purpose entities will not be included as a separate party on any **AHSC Program** legal documents, including but not limited to, Standard Agreements, nor are they eligible to be **Recipients** or payees of **AHSC Program** funds.
- (3) Where a **Public Agency** has a real property interest in the proposed **Project**, the application must include the **Public Agency** as a joint **Applicant** or otherwise include a commitment to enter into a contractual agreement to develop the **Project**, if it is awarded.
- (4) All eligible **Applicants** appearing on the application for the **Project** will be held jointly and severally liable for the completion of the **Project** and as such, will each sign all Standard Agreements to the award of AHSC funds.
  - (A) A **Recipient** of **Department** funds must remain liable for performing all requirements of the award of funds as set forth in the Standard Agreement. Where there are multiple **Recipients**, all such **Recipients** must remain jointly and severally liable to the **Department** for that performance. Notwithstanding the foregoing, **Recipients** may indemnify each other by entering into agreements with one another as to individual **Capital Projects**. In no event will any such agreement alter, amend, or revoke each individual **Recipient's** obligations to the **Department**, including the joint and several liability.

## Section 106. Program Threshold Requirements

- (a) Application Threshold Requirements: In addition to requirements detailed in Sections 102 through 105, to be eligible for **AHSC Program** funding, an application shall demonstrate to the **Department** all the following:
- (1) The proposed **Project** will achieve a reduction in GHG emissions through fewer vehicle miles travelled (VMT), pursuant to the most recent **AHSC Program** Quantification Methodology, available on the California Air Resources Board's [Climate Change Investments \(CCI\) Quantification, Benefits and Reporting Materials webpage](#). This must be evidenced by a completed GHG Benefits Calculator tool, described in the AHSC Application, displaying VMT and GHG reductions for each **Project** component.
  - (2) The proposed **Project** supports the implementation of the applicable Sustainable Community Strategy (SCS), as confirmed by the Metropolitan Planning Organization (MPO), or equivalent sustainable planning document in non-MPO regions, as required by Public Resources code section 75210 et seq. The application must be consistent with activities or strategies identified in the regional SCS, or similar planning document that demonstrate a per capita reduction in VMT and GHG.
  - (3) The proposed **Project** must be consistent with the State Planning Priorities established pursuant to Section 65041.1 of the Government Code.
  - (4) All proposed **Affordable Housing Developments** located in a jurisdiction that has fare-based transit must provide at least one (1) transit pass or card to each **Restricted Unit** for at least 3 years. If the transit agency does not provide passes with unlimited rides, the card or pass should have a minimum value of 40 average commute length rides a month as determined by the transit agency. These passes or cards may be paid for with AHSC funding pursuant to Section 103(b)(2).
  - (5) **Applicants** of all proposed rental **Affordable Housing Developments** must certify that the development will be smoke free and demonstrate compliance by submitting a draft of the development's **Smoke Free Housing** lease addendum.
  - (6) The AHSC-funded components of the **Project** must:
    - (A) Incorporate more than one **Urban Greening** feature with dedicated maintenance for at least two years. The grantee is ultimately responsible for the maintenance of the **Urban Greening** features in the **Project**, even if municipal ordinance assigns responsibility for their maintenance to adjacent property owners. **Applicants** must propose at least \$200,000 in reasonable direct **Urban Greening** costs.
    - (B) Include adequate lighting in accordance with local, state, and federal design standards and requirements for all publicly accessible components of the **Project** including active transportation routes and transit stations or stops.
  - (7) Completion and approval or adoption of all necessary environmental clearances including those required under the California Environmental Quality Act (CEQA) and if applicable, the National Environmental Policy Act (NEPA). All applicable time periods for filing appeals or lawsuits have lapsed within 30 days after the

application due date with lawsuits or appeals resolved. Proof of NEPA clearance is shown through an Authority to Use Grant Funds document.

- (A) **STI** or **TRA** components of a **Project** are not required to certify completion and demonstration of approval of environmental clearances (NEPA or CEQA) as stated in Section 106(7) above until prior to the initial disbursement of grant funds.
- (B) Applicants are not required to complete any necessary environmental clearances prompted exclusively by rental and/or operating subsidies prior to the AHSC application deadline.
- (8) Applications must demonstrate that all necessary discretionary local land use approvals, excluding design review, have been granted.
- (9) The application must be sufficiently complete to assess the feasibility of the proposed project and its compliance with **AHSC Program** and application requirements.
- (10) The applicant must demonstrate that the **Project** is financially feasible as evidenced by documentation including, but not limited to, **Enforceable Funding Commitments**, a market study which meets the requirements specified in the **TCAC** Regulations Section 10322(h)(10), project pro-forma, sources and uses statement, proposed operating budget, multi-year pro-forma, or other feasibility documentation that is standard industry practice for the type of proposed **Affordable Housing Development**.
- (11) The **Eligible Applicant** or **Locality** serving as the **Developer** of a particular component of the **Project** must demonstrate site control of the property on which that **Project** component will be located as set forth at UMR Sections 8303 and 8316 with the additional requirement that the **Applicant** shall maintain site control through the award date.
  - (A) The following shall apply to **Capital Projects**:
    - (i) Where site control is in the name of another entity, the **Applicant** shall provide documentation, in form and substance reasonably satisfactory to the **Department** (e.g., a purchase and sale agreement, an option, a leasehold interest/option, a disposition and development agreement, an exclusive right to negotiate with a public agency for the acquisition of the site), which clearly demonstrates that the **Applicant** has some form of right to acquire or lease the **Project** property.
    - (ii) Where site control will be satisfied by a long-term ground lease, the **Department** will require the execution and recordation of the **Department's** form lease rider at the time of closing, which shall be entered into by and among the ground lessor, the ground lessee, the **Department**, and any other applicable parties. In all cases, the lease rider shall be recorded against the fee interest in the **Project** property.
  - (B) For **Capital Projects** developed in **Indian country**, the following exceptions apply:
    - (i) Where site control is a ground lease, the lease agreement between the **Tribal Entity** and the **Project** owner is for a period not less than 50 years; and

- (ii) An attorney's opinion regarding chain of title and current title status is acceptable in lieu of a title report
- (12) **Applicants** must demonstrate experience by providing evidence of at least two projects that are similar to each proposed AHSC **Capital Project (AHD, HRI, STI, and TRA)** in scope and size, which have been completed by the **Applicant** serving as the **Developer** of that **Project** component, during the ten years preceding the application due date. If an **Applicant** relies upon the experience of its **Principal** to meet the **Applicant** experience requirements, documentation of the **Principal's** experience is required as set forth in the application, in addition to recent project evidence described in the previous sentence.
  - (A) For **STI** or **TRA** components only, an **Applicant** may demonstrate the requisite experience (as detailed above) by using the past experience of work completed of a **Locality** or transportation agency non-applicant so long as the **Applicant** can provide an executed agreement with that specific **Locality** or transportation agency non-applicant for the completion of the **STI** or **TRA** components of the AHSC **Project** for which funding is sought, thereby demonstrating that the **Locality** or transportation agency will be serving as the **STI** or **TRA Developer** for that **Capital Project**.
- (13) As of the date of application, the **Applicant(s)**, the **Project**, or the real property on which the **Project** is proposed may not be party to or the subject of any claim or action in the state or federal courts that affects or potentially affects the feasibility of the **Project**. Further, the **Applicant(s)** shall disclose and describe any claim or action undertaken by or against the **Applicant(s)**, the **Project** or the Property which affects or potentially affects the feasibility of the **Project**.
- (14) Construction of the **Project** has not commenced as of the application deadline set forth in the **NOFA**. Any demolition operation conducted under a written order issued by a state or local governmental agency because a facility is structurally unsound and in danger of imminent collapse is exempt from this requirement.
- (15) For **TOD** and **ICP** projects, the **High Quality Transit** or **Qualifying Transit**, respectively, must be serving the **Transit Station/Stop** at the time of application submittal. For **RIPA** projects, the **Qualifying Transit** must be serving the **Transit Station/Stop** by the time a certificate of occupancy is provided. For all **Project Area Types**, the **AHD** and **Qualifying Transit's Transit Station/Stop** must be connected by a pedestrian access route no greater than 0.50 miles at the time of certificate of occupancy. Improvements to complete the pedestrian access route between the **AHD** and the **Transit Station/Stop** may be included as part of the project **STI/TRA** components so long as they are completed by the time a certificate of occupancy is provided.
- (16) Demonstrate consistency with State Relocation Assistance Law (CA Gov Code Sec. 7260-7277).

- (17) The Housing Element for the jurisdiction in which the **Project** is located must be in substantial compliance by the date of award recommendation. Housing Element in substantial compliance means the local public entity's adopted housing element is in substantial compliance as demonstrated by a letter from the **Department** which sets forth findings that the housing element adopted within the time frames required by Section 65588 of the Government Code includes that substance essential to every requirement of Article 10.6, commencing with Section 65580, of Chapter 3 of Division I of Title VII of the Government Code. A jurisdiction's current housing element compliance status can be obtained by referencing the [Department's website](#). **Projects** located on Trust Land, as defined under **Indian country**, are exempt from this requirement.
- (A) For the purposes of this section alone, jurisdictions that are undergoing **Department** review of their housing element at the time of award and jurisdictions which are receiving **Department** technical assistance to bring their housing element into compliance at the time of award, shall both be deemed to be in a presumptive state of substantial compliance by the **Department**. All awards premised on presumptive substantial compliance shall include conditions in their respective standard agreements requiring that prior to funds disbursement the subject jurisdiction must have received a final housing element certification letter from the **Department**.
- (18) **Applicants** that are a City, County, or City and County must at the time of application, have submitted their housing element annual progress reports as required by Government Code section 65400 to the State of California for the current and prior year.
- (19) Applications must integrate applicable climate adaptation measures as described in Section 107 Narrative Based Policy Scoring (b).
- (20) The **Applicant** must demonstrate that costs for any **Project** or component thereof will not result in loss or conversion of agricultural or other working lands or natural resource lands for other uses. The **Project** site must not be designated as **Agricultural Land** according to the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) Tool ([California Important Farmland Finder](#)). An exemption to the FMMP designation may be allowed for applications that submit documentation that substantiates a description of an **Infill Site**.
- (21) Applications requesting **AHSC Program** funding for **Affordable Housing Developments** and **Housing Related Infrastructure Capital Projects** must also demonstrate to the satisfaction of the **Department** all the following:
- (A) Rental **Affordable Housing Developments** must meet the underwriting standards in the UMRs and **MHP Guidelines** Section 7312.
- (B) The **Affordable Housing Development, Housing Related Infrastructure**, or both are infeasible without **AHSC Program** funds, and other committed funds are not and will not be supplanted by **AHSC Program** funds.

- (C) Proposed **Projects** involving new construction or **Substantial Rehabilitation** and requiring the demolition of existing residential units are eligible only if the number of bedrooms in the new **Project** is at least equal to the number of bedrooms in the demolished structures, with equal or greater affordability. The new **Affordable Units** may exist on separate parcels provided all parcels are part of the same **Project** meeting the requirements of the UMRs Section 8303 (b).
    - (i) The Department may approve **Projects** involving new construction or **Substantial Rehabilitation** and requiring the demolition of existing residential units that result in a number of bedrooms less than the number in the demolished structures where it determines that such approvals will substantially improve the livability of the remaining units, or serve some other compelling public policy objective, as long as the reduction does not result in more than 25 percent fewer units upon Project completion
  - (D) If the **Affordable Housing Development, Housing Related Infrastructure, or both Capital Project(s)** involves the demolition of existing units that are affordable to lower-income households, the application must demonstrate the replacement of demolished units, comparable in size, of equal or greater affordability and equal to or greater than the number of the demolished **Affordable Units** located within comparable access to transit and include first right of return to displaced residents.
  - (E) Applicants must demonstrate the proposed **Affordable Housing Development** is consistent with State and Federal Fair Housing requirements including duties to [affirmatively further fair housing](#).
  - (F) Where approval by a local public works department, or other responsible local agency, is required for the **Housing Related Infrastructure Capital Project**, the application must include a statement from that department indicating that the **Housing Related Infrastructure Capital Project** is consistent with all applicable local rules, regulations, codes, policies and plans enforced or implemented by that **Department**.
- (22) Applicants must affirm that the proposed **Affordable Housing Development, or Mixed Use Development** in the case that non-residential uses are included, are powered entirely through electricity with no connections to natural gas infrastructure. Only zero-emission generators are AHSC **Eligible Costs**. **Projects** required to include fossil fuel-based backup power by regulation or code should consider the cleanest and most renewable technology first, starting with gaseous fuel (e.g., RNG, NG, LPG), and then tier 4 compliant diesel. If a fossil fuel-based generator is installed, be advised that procurement, site preparation, installation, or operation of such units is not an AHSC **Eligible Cost**.

- (23) Applications requesting **AHSC Program** funding for **Sustainable Transportation Infrastructure, Transportation Related Amenities**, or both must satisfy all the following:
- (A) Where approval by a local public works department, or other responsible local agency, is required for the **Project**, the application must include a statement from that entity indicating that the **Sustainable Transportation Infrastructure and/or Transportation Related Amenities Capital Project(s)** is consistent with all applicable local rules, regulations, codes, policies, and plans enforced or implemented by that entity.
  - (B) If the **Sustainable Transportation Infrastructure and/or Transportation Related Amenities Capital Project(s)** involves the demolition of existing units that are affordable to lower-income households, the application must demonstrate the replacement of demolished units, comparable in size, of equal or greater affordability and equal to or greater than the number of the demolished **Affordable Units** located within comparable access to transit and include first right of return to displaced residents.
    - (i) The no net loss requirements contained in Section 106(a)(21)(C) of these Guidelines apply to **Sustainable Transportation Infrastructure or Transportation Related Amenities Capital Projects** occurring on a property which includes a parcel, or any portion of a parcel, on which (1) residential dwelling units affordable to lower income households currently exist, or (2) there have been dwelling units restricted to lower-income households that have been vacated or demolished within the five year period preceding the application
- (24) Applications requesting **AHSC Program** funding for **Program Costs** must also demonstrate to the satisfaction of the **Department** all the following:
- (A) The **Program Costs** are infeasible without **AHSC Program** funds, and other committed funds are not being supplanted by **AHSC Program** funds.
- (25) All proposed **AHSC Project** components are subject to all applicable codes, including the California Building Standards Code (**CCR**, Title 24).
- (26) The application must demonstrate that outreach and education on reducing potential health impacts of air pollution will be provided to residents of **Affordable Housing Developments**.
- (27) **Affordable Housing Developments** must meet the Americans with Disabilities Act (ADA), fair housing, nondiscrimination, Pet Friendly Housing Act, physical accessibility, and Violence Against Women Act (VAWA), requirements pursuant to **MHP** Guidelines Section 7314 (a)-(d). Projects must also provide a preference for accessible units to persons with disabilities requiring the features of the accessible units in accordance with **TCAC** regulations (California Code of Regulations (**CCR**), Title 4, Section 10337(b)(2), as may be amended and renumbered from time to time). The

- Applicant** or **Developer** of the **Project** must ensure that any other applicable federal, state, and local accessibility requirements are met.
- (28) **Affordable Housing Development** and **Housing Related Infrastructure** components involving new construction, acquisition and **Substantial Rehabilitation**, or conversion of nonresidential structures to residential, dwelling units must be capable of accommodating broadband internet service with at least a speed of 100 megabits (50 megabits for rural) per second for downloading and 20 megabits (10 megabits for rural) per second for uploading.
- (A) **Affordable Housing Development** and **Housing Related Infrastructure** components must provide a conduit from the public right of way or property line and provide pathways, wiring, cables, and other necessary infrastructure extended to each unit and public common space to provide a broadband internet connection.
- (B) For some rural areas, other technologies like fixed wireless, might offer the highest caliber connection. All **Applicants** should consult with their local jurisdictions about their broadband internet infrastructure planning, as well as existing broadband internet service providers in the area.
- (C) High speed broadband internet service, with speeds listed above must be made available to each **Restricted Unit** for a minimum of 5 years, free of charge to the tenants, and available within 6 months of the **AHD's** placed-in-service date.

## Section 107. Scoring Criteria

**AHSC Program** funds will be allocated through a competitive process, based on the merits of the application to support a sustainable housing development that expands and improves transit, walking, and biking infrastructure, providing opportunities to reduce VMT by supporting connectivity between housing and destinations to bring about reduction of GHG emissions.

The scoring criteria is divided by three broad categories, with additional subcategories, for a total of 100 points. Scoring elements are detailed in Figure 4. It is the intent of the **AHSC Program** to use scoring to differentiate projects for ranking, so it is not expected that any project will score the full 100 points.

**Projects** will be reviewed and scored only after meeting threshold requirements as detailed in Section 106. Projects that are not scored are not eligible for award. All the scoring criteria will be applied to every **Project**, regardless of the project components present in each specific **Project**.

### Figure 4: AHSC Scoring Elements and Criteria

#### Estimated GHG Reductions Scoring (30 points)

- Transit and Shared Mobility GHG (5 points)
- Project Area GHG (10 points)
- GHG Efficiency (15 points)

#### Quantitative Policy Scoring (52 points)

- Active Transportation and Transit Improvements (14 points)
- Green Buildings and Renewable Energy (3 points)
- Housing and Transportation Collaboration (10 points)
- Location Efficiency and Access to Destinations (3 points)
- Funds Committed (4 points)
- Prohousing Designation (3 points)
- Anti-Displacement Activities (4 points)
- Local Workforce Development and Hiring Practices (3 points)
- Housing Affordability (5 points)
- Programs (3 points)

#### Narrative-Based Policy Scoring (18 points)

- Community Benefit & Engagement (6 points)
- Climate Adaptation & Community Resiliency (5 points)
- Collaboration & Planning (4 points)
- Equity & Transformation (3 points)

To receive points related to a specific **Project** component, the **Applicant** must request a portion of the costs through AHSC (e.g., an **Applicant** can only receive points related to an **Affordable Housing Development** when requesting **AHD** or **HRI** funds).

In all scoring categories, it is the responsibility of the **Applicant** to provide accurate, complete, and clear descriptions of their proposed **Project**. The **Department** and **Council** staff will use the required supporting documentation provided in the submitted application to verify claims, and cannot accept, nor rely on, additional or alternate materials provided after the application deadline. Applicants shall not provide intentionally unclear or vague answers

to avoid disclosing relevant or material details of a **Project** and are instead required to be forthcoming in their application and respond clearly in the spirit and intent of the program. The **Department** and **Council** staff reserve the right to withhold all points in any scoring categories if applicant-submitted documentation is determined to be unclear or incomplete. **Project** details not disclosed to the **Department** that are later discovered or disclosed, and which are determined to be inconsistent with the requirements of AHSC, will result in disencumbrance of the awarded funds and negative points, if applicable.

## Estimated GHG Emission Reductions – 30 Points Maximum

For this section, applications will be scored on the GHG emission reductions of proposed project components, for a total of 30 points. Applicants are required to adhere to quantification requirements and guidance published by California Air Resources Board (CARB) and SGC regarding GHG emission reduction estimates and should refer to the AHSC Quantification Methodology and the AHSC User Guide available on the CARB CCI Quantification, Benefits, and Reporting Materials webpage.

Applicants should refer to Table 3 of the AHSC User Guide for a complete list of quantifiable project components. The GHG emission reductions attributable to AHSC will be scored in the following GHG categories:

- Transit and Shared Mobility GHG: Transit and shared mobility project component(s) for a maximum of 5 points;
- Project Area GHG: Affordable housing, active transportation, and/or grid-connected solar PV project component(s) for a maximum of 10 points; and
- GHG Efficiency: Total GHG emission reductions per AHSC dollar for a maximum of 15 points

(a) Estimated GHG Emission Reductions Scoring Process:

- (1) Applicants will estimate GHG emission reductions of each quantifiable project component using the most recent AHSC Benefits Calculator Tool, available on the [CARB CCI Quantification, Benefits, and Reporting Materials webpage](#).

(A) Each application requesting GGRF funding must include at least one of the project components listed in Table 3 of the AHSC User Guide. Applications are not required to estimate the benefits of all quantifiable project components. Also note that the AHSC Benefits Calculator Tool will prorate GHG reductions according to the share of GGRF funding from AHSC and other programs. GGRF Funding from other programs should be specified by the applicant in the Project Info Tab and prorated GHG emission reductions will appear in the GHG Summary Tab.

(B) Applications that include a single **ZEV** transit vehicle purchase as a project component, must use AHSC dollars to fund more than 50 percent of the vehicle cost to be eligible for GHG quantification. In the case that multiple **ZEV** transit vehicles of a single mode type are purchased, all but one vehicle must be funded entirely by AHSC while the additional vehicle shall have more than 50 percent funded by AHSC to be eligible for quantification.

(C) Applications quantifying solar PV electricity generation will only receive credit for electricity generation above state code requirements. Applicants should refer to the applicable energy code at the time of project building permit application submittal.

(D) Phased projects should only quantify the project components for the phase seeking AHSC funding in the current application cycle. Previously funded or future phases are not included in the GHG calculation.

- (2) The GHG emission reductions of each application will be ranked from highest to lowest within each GHG category. Each application will be

assigned to one of five bins in ranked order. Each bin will receive an assigned point score as follows:

**FIGURE 5. GHG Scoring Categories**

GHG Scoring Category	Bin 1	Bin 2	Bin 3	Bin 4	Bin 5
Transit and Shared Mobility GHG	5 points	4 points	3 points	2 points	1 point*
Project Area GHG	10 points	8 points	6 points	4 points	2 points
GHG Efficiency	15 points	12 points	9 points	6 points	3 points

\* Note: **Projects** that do not include a transit component or include transit components that result in a net increase in emissions will be placed in Bin 5 but receive 0 points for the Transit and Shared Mobility GHG Category.

- (3) The score of each GHG category will be combined to determine the **Project's** Total GHG Score.
- (4) Please note that while all projects are scored together, independent of **Project Area Type**, **Projects** will only compete within their **Project Area Type** for the first 80 percent of funding available in the **NOFA** per Section 108.

#### Quantitative Policy Scoring – 52 Points Maximum

##### (a) **Active Transportation and Transit Improvements – 14 Points Maximum**

- (1) Up to 3 points for the total length (in **Lane Miles**) of AHSC-funded **Context Sensitive Bikeways**. as follows:
  - (A) 3 points for at least one (1.0) lane mile
  - (B) 1 point for at least one half (0.50) lane mile

AHSC funds may be used to install new or improved bikeways, even if they are not a **Context Sensitive Bikeway**; however, points will only be awarded for **Context Sensitive Bikeways**. Improved bikeways must be facility enhancements that allow an upgrade from Class II to Class I or IV; or Class III to a facility that creates dedicated bicycle space (Class I, II, or IV). A project that converts a temporary Class IV bikeway (e.g., paint, plastic bollards, and/or K-rail) to a permanent Class IV bikeway using permanent physical barriers (e.g., poured concrete and/or plantings) is an eligible cost and eligible **Context Sensitive Bikeway**, but would not be eligible for GHG Quantification since it is not a new bikeway.

- (2) 2 points for **Projects** that expand an existing bicycle network. The new **Context Sensitive Bikeway** funded by AHSC must have an entry point within the **Project Area** and directly intersect with an existing bikeway as a way to connect to the existing bike network. The existing bikeway and bikeway network does not have to be comprised of **Context Sensitive Bikeways**.
- (3) Up to 3 points for the length of AHSC-funded **Safe and Accessible Walkways** as follows:

- (A) 3 points for repairing or constructing sections of sidewalks, walkways, or ramps that create more than 2,000 feet of continuous **Safe and Accessible Walkway**.
- (B) 1 point for repairing or constructing sections of sidewalks, walkways, or ramps that create more than 1,000 but at or less than 2,000 feet of continuous **Safe and Accessible Walkway**.

**STI** improvements that will make walkways safe and accessible (e.g., through new or repaired sidewalks, crosswalks, or curb ramps) will be measured for the distance of the entire block face on which the infrastructure improvement will be made so long as the entire distance of its walkway will then meet the definition of **Safe and Accessible Walkway**. Crosswalk improvements, which are eligible **STI** components, can be measured for the crosswalk distance plus the distance of one block face to which it connects, so long as the block face already is or will be a **Safe and Accessible Walkway** at the completion of the project.

- (4) 2 points for **Projects** that create at least 1,000 continuous linear feet of new pedestrian facilities where none exist at the time of application submission. Examples include new overpasses or underpasses, and new Class 1 path or sidewalk where no walkway currently exists so long as these facilities meet the definition of **Safe and Accessible Walkway**. Curb ramps or other wheelchair-accessible entry points are required for any crossings in this new facility but would not be sufficient in and of themselves to be eligible for this point. The **Lane Miles** of one Class I Multi-Use Path cannot be counted to fulfill the distance scoring sections for both the bikeway and walkway scoring sections; applicants may not use the same portion of a Multi-Use Path for both scoring sections.
- (5) Up to 4 points for **Projects** that improve existing transit routes that serve the community around the **AHD**. To qualify for these points, the AHSC-funded improvements must improve service along one transit route that serves at least one (1) stop or station inside the **Project Area**. The improvement to the transit route need not be wholly inside the **Project Area**, but the **Project's** effects to improving reliability and/or speed inside the **Project Area** should be evident.

**Projects** that improve a local bus route by implementing any (or a multiple) of the following will be eligible for two points for each strategy, up to four points:

- (A) At least one (1.0) **Lane Mile** of a Bus Only Lane that includes prohibition of private vehicles or High Occupancy Toll (HOT) Lanes that are in effect at least eight (8) hours a day, at least five (5) days a week
- (B) Installation of new off-board fare collection kiosks or machines along all stops for one (1.0) consecutive **Lane Mile**
- (C) Installation of new at-grade boarding infrastructure along all stops for one (1.0) consecutive **Lane Mile**

- (D) Installation of at least four (4) bus bulb-outs that eliminate the need for buses to pull out of the general flow lane along one bus route in the **Project Area**
- (E) Installation of new or upgraded **Transit Signal Priority** hardware and software along all signals for one (1.0) consecutive **Lane Mile**
- (F) Installation of at least five (5) new bus shelters where none currently exist at least five stops along one bus route in the **Project Area**
- (G) Procurement of at least one new **ZEV** transit vehicle that allows the provider to modify published schedules that will achieve headways of 15 minutes or less during peak hours or reduce peak hour existing headways by more than 10 minutes

(b) **Green Buildings and Renewable Energy - 3 Points Maximum**

- (1) 3 points will be awarded for **Affordable Housing Developments** that commit to a design that achieves green building status beyond State mandatory building code requirements as certified by the project architect, energy analyst, and/or sustainability consultant. Applicants may select from the following green building certification programs:

**Certifications for residential construction:**

<b>Program</b>	<b>Tier</b>
CalGreen	Tier 2
LEED	Gold
Green Point Rated	New Construction: Gold Rehabilitation: Whole Building
ENERGY STAR	Certified Home
Living Future Challenge	Living Building

**Certifications for non-residential construction**

<b>Program</b>	<b>Tier</b>
CalGreen	Tier 2
LEED	Gold

(c) **Housing and Transportation Collaboration - 10 Points Maximum**

- (1) Up to 6 points for applications with an AHSC funds request for **Sustainable Transportation Infrastructure** that comprises at least a certain amount of funds or a percentage of the total AHSC funds request (whichever is the lower amount) as detailed below:

<b>STI Funds Request as an amount or percentage of Total AHSC Funding Request</b>	<b>Points</b>
At least \$3,000,000 or 10.0% of total funding request	2 points
At least \$4,500,000 or 15.0% of total funding request	4 points
At least \$7,500,000 or 25.0% of total funding request	6 points

- (2) 2 points for applications which invest at least \$1,500,000 or five (5.0%) percent of total AHSC funding request (whichever is the lower amount) in **Transportation Related Amenities** at or along the side of block face(s) that include a **Transit Station/Stop** within the **Project Area**.

- (3) 2 points for **Projects** which provide documentation that their site is:
- (A) In a High-Speed Rail Planning Area: An **AHD** that is within environmentally cleared California high-speed rail station planning areas; or
  - (B) Funding the construction of community-identified components: A **Project** that funds community-identified components from another SGC-funded project, such as Transformative Communities Collaborative (TCC), Sustainable Agricultural Lands Conservation (SALC); or
  - (C) Utilizing Publicly-Owned Land: An **AHD** which is to be developed on land designated as Excess Land (EO N-06-19) or any land declared surplus by a local agency. **Projects** developed on land donated by or leased at a discounted rate from a transit agency are also eligible for these points.
    - (i) For excess state-owned property, the **AHD** must be located on a site selected under EO-N-06-19 to enter into a ground lease with the state to create affordable housing on excess state-owned property.
    - (ii) For surplus land owned by a local agency, including transit agencies:
      - a. Land donations made in fee title must be supported by a transfer agreement and demonstrated written conformance with the Surplus Land Act.
      - b. Land donations made as a low-cost, long-term lease must be supported by written conformance with Surplus Land Act, and a Post-Negotiation Notice and Proposed Disposition Summary.

(d) **Location Efficiency and Access to Destinations - 3 Points Maximum**

- (1) Up to 3 points will be given for projects that provide the location of existing **Key Destinations** within one-half (0.50) mile of the AHD. For **TOD Project Areas** and **ICP Project Areas** each type of **Key Destination** is worth one third (0.333) of a point. For **RIPA Project Areas** each type of **Key Destination** is worth one half (0.50) of a point. Each **Key Destination** category may only be counted once. Facilities that meet multiple categories (e.g., a Grocery Store with a Pharmacy) may be counted toward multiple categories. Please see definitions and further specifications for each **Key Destination** in Appendix A. Please see Mapping Guidance for how to map and document **Key Destinations**.
- (A) Market or Grocery store (SNAP Retailer)
  - (B) Food Bank
  - (C) Medical clinic that accepts Medi-Cal payments or offers free medical services to low-income individuals
  - (D) Licensed childcare facility as identified by the California Department of Social Services
  - (E) Pharmacy

- (F) Park accessible to the general public
- (G) Community Center accessible to the general public
- (H) Public library
- (I) Public elementary, middle, high school, non-profit university or non-profit junior college
- (J) Bank, or credit union
- (K) Post Office

(e) **Funds Committed - 4 Points Maximum**

- (1) 4 points will be awarded for applications demonstrating committed funding for all permanent financing, grants, project-based rental assistance, and operating subsidies, excluding: the amount requested from the **AHSC Program**, an allocation of tax-exempt bonds, and 4 percent or 9 percent tax credits. For **Projects** with bond financing, any applicable permanent lender commitment of bond financing is required for these points. Assistance for capital expenditures will be deemed to be an **Enforceable Funding Commitment** if it has been awarded to the **Project** or if the **Department** approves other evidence that the assistance will be reliably available. Contingencies in commitment documents based upon the receipt of an allocation of tax-exempt bonds, 4 percent tax credits or 9 percent tax credits will not disqualify a source from being counted as committed.

For homeownership **Affordable Housing Developments** only: Construction loans which will be repaid with revenue from the sale of homes to low-income or moderate-income homebuyers will be considered committed funding.

(f) **Prohousing Designation – 3 Points Maximum**

- (1) 3 Points will be awarded for **Projects** located in jurisdictions that have received a “Prohousing designation” as certified by the **Department** by the application due date; OR
- (2) 2 Points will be awarded for **Projects** located in jurisdictions that have applied for a “Prohousing designation” from the **Department**. The prohousing application must be received by the **Department** before the application due date and the jurisdiction must have passed a resolution of their governing body authorizing application and participation in the Prohousing Designation Program, and have at least three of the following policies in place:
- (A) **Projects** located in jurisdictions with policies that involve meaningful actions towards Affirmatively Furthering Fair Housing pursuant to GC Section 8899.50, including, but not limited to, rezoning higher density in **Higher Opportunity Areas**, prioritizing funding in **Higher Opportunity Areas** or areas of concentrated poverty or lower opportunity, place-based (e.g., acquisition/rehabilitation, infrastructure improvements, enhancement of community amenities and resources) or displacement strategies in areas of concentrated poverty, lower opportunity or high displacement risk.

- (B) **Projects** located in jurisdictions permitting missing middle housing uses (e.g., triplexes and fourplexes) by right in existing low-density, single-family residential zones or increasing allowable density in low-density, single-family residential areas beyond the requirements of state Accessory Dwelling Unit Law (e.g., permitting more than one ADU or JADU per single-family lot) and Government Codes sections 65852.21 and 66411.7.
- (C) **Projects** located in jurisdictions with density bonus programs which exceed statutory requirements by 10 percent or more.
- (D) **Projects** located in jurisdictions that are reducing or eliminating parking requirements for residential development as authorized by GC Sections 65852.2; adopting vehicular parking ratios that are less than the relevant ratio thresholds at subparagraphs (A), (B), and (C) of GC Section 65915, subdivision (p)(1); or adopting maximum parking requirements at or less than ratios pursuant to GC Section 65915, subdivision (p).
- (E) Establishment of ministerial approval processes for a variety of housing types, including single-family and multifamily housing.
- (F) Establishment of an Enhanced Infrastructure Financing District or similar local financing tool that, to the extent feasible, directly supports housing developments in an area where at least 20 percent of the residences will be affordable to Lower Income households.
- (G) **Projects** located in jurisdictions that zone more sites for residential development or zoning sites at higher densities than is required to accommodate 150 percent of the minimum Regional Housing Needs Allocation for the Lower-Income allocation in the current housing element cycle.
- (H) **Projects** located in jurisdictions with measures that reduce costs for transportation-related infrastructure or programs that encourage active modes of transportation or other alternatives to automobiles. Qualifying policies include, but are not limited to, publicly funded programs to expand sidewalks or protect bike/micro-mobility lanes; creation of on-street parking for bikes; transit-related improvements; or establishment of carshare programs.
- (I) **Projects** located in jurisdictions that have established pre-approved or prototype plans for missing middle housing types (e.g., duplexes, triplexes, and fourplexes) in low-density, single-family residential areas.
- (J) Establishment of streamlined, program-level CEQA analysis and certification of general plans, community plans, specific plans with accompanying Environmental Impact Reports (EIR), and related documents and Projects located in jurisdictions that have documented practice of streamlining housing development at the Project level, such as by enabling a by-right approval process or by utilizing statutory and categorical exemptions as authorized by applicable law (Pub.

Resources Code, Sections 21155.1, 21155.4, 21159.24, 21159.25; Gov. Code, Section 65457; Cal Code Regs., tit. 14, Sections 15303, 15332; Pub. Resources Code, Sections 21094.5, 21099, 21155.2, 21159.28).

- (K) Waiver or significant reduction of development impact fees for residential development.
- (L) Establishment of local housing trust funds or collaboration on a regional housing trust fund.
- (M) A comprehensive program that complies with the Surplus Land Act (Gov. Code, § 54220 et seq.) and that makes publicly owned land available for affordable housing, or for multifamily housing projects with the highest feasible percentage of units affordable to Lower Income households. A qualifying program may utilize mechanisms such as land donations, land sales with significant write-downs, or below-market land leases.

(g) **Anti-Displacement Activities - 4 Points Maximum**

- (1) Up to 4 points for Projects that document a commitment to implement at least one (1) new or expanded Anti-displacement activity listed below, as supported by an assessment of housing needs and displacement vulnerability.

Assessment: **Applicants** are required to develop an assessment of the housing needs and displacement vulnerability for the communities overlapping the **Project Area**. The assessment should describe housing needs and displacement vulnerability using the most recent economic statistics and demographic information available (U.S. Census or other more recently-collected local information is acceptable). The assessment should provide details summarizing adopted and proposed policies and programs related to displacement as publicly-identified in the jurisdiction's Housing Element, other government policies, or any non-governmental organization's Anti-Displacement work. The assessment may be an existing document that meets the goals stated above or the **Applicant** can use the prompts found in Anti-displacement Attachment.

Commitment Letter: All proposals in partnership with a non-profit or **Locality** must provide a Commitment Letter and a proposed workplan describing how each program or activity will be implemented. The following items should be included in the proposed workplan: 1) Proposed Scope of Work by task; 2) Budget by task; 3) Deliverables by task; 4) Proposed implementation timeline; 5) Current status of work, if applicable; 6) Current status of the role the non-profit plays in the **Project Area**; 7) Proposed measures of success & tracking protocols; and 8) Signatures from all implementing parties agreeing to the terms above.

- (A) **Projects** may select any activity listed below. These activities must be implemented by an independent non-profit or **Locality** with

dedicated **Program Cost (PGM)** funding of a minimum \$150,000 per activity:

- (i) A non-profit and/or **Locality** developing a Community-Driven, Neighborhood-Scale Anti-Displacement Plan
- (ii) A non-profit and/or **Locality** implementing a policy or action identified in a previously-adopted Anti-Displacement Plan that is not listed below
- (iii) A non-profit and/or **Locality** implementing a policy identified in an existing Community-Driven, Neighborhood-Scale Anti-Displacement Plan
- (iv) A non-profit and/or **Locality** developing or implementing a pipeline or training programs that will build capacity for local affordable housing developers
- (v) A non-profit and/or **Locality** developing or implementing a process for data collection, monitoring, & tracking systems related to the causes of displacement (e.g. rental property registry, inventory of at-risk units, landlord licensing, local eviction tracking, or a speculation watchlist)
- (vi) A non-profit and/or **Locality** developing or implementing foreclosure or eviction prevention and landlord anti-harassment programs
- (vii) A non-profit and/or **Locality** developing or implementing rental assistance programs
- (viii) A non-profit and/or **Locality** developing a Neighborhood Leadership Development Program for stakeholders within the project community
- (ix) A non-profit and/or **Locality** developing or implementing a Small/Family Business Protection Program for community businesses in the Project Area
- (x) A non-profit and/or **Locality** developing or operating a Community Land Trust or Land Banking activities

(h) **Local Workforce Development and Hiring Practices - 3 Points Maximum**

- (1) Up to 3 points (1.5 points per strategy) for **Projects** that implement workforce development strategies that advance the recruitment, training, and hiring of individuals who live within **Priority Population** census tracts or **Low-Income Households**. Strategies should aim to connect these populations with training and hiring opportunities created by the **Project**. Workforce development strategies may be implemented during project construction or after completion of the project, but they must be implemented within the contract reporting period. Choose from the following AHSC workforce development strategies:

- (A) **Partnership with a Workforce Development organization or a Workforce Development Board: Applicants** must provide the following information and verifiable documentation in a letter jointly signed by the **Applicant** and the external organization:

- (i) The name(s) of the organization(s)
  - (ii) The nature of the partnership between the **Applicant** and the organization
  - (iii) Demonstrate that the implementing organization has a track record of success serving disadvantaged populations, and,
  - (iv) Demonstrate that the implementing organization has a history of success in job placement rates for trainees from **Disadvantaged Communities**
  - (v) The written agreement that details the partnership strategy or policy undertaken and its outcomes
  - (vi) The number and the demographic composition (race, education, and income) of participants in the external organization over the last three (3) years, for each of the following:
    - a. Participants who enrolled in the program;
    - b. Participants who completed the program; and
    - c. Participants who were successfully placed into state-certified apprenticeship or related job
- (B) **Project is bound by a Skilled and Trained Workforce Commitment:** **Applicants** must provide the following information and verifiable documentation in a letter jointly signed by the **Applicant** and the external organization:
- (i) A letter of intent between the **Developer** and the state-certified apprenticeship program including the mechanism to deliver on the term of that commitment
  - (ii) The number and the demographic composition (race, education, income) of participants in the external organization over the last three (3) years, for each of the following:
    - a. Participants who enrolled in the program;
    - b. Participants who completed the program; and
    - c. Participants who were successfully placed into a state-certified apprenticeship or related job
- (C) **Projects that have developed a Project Labor or Community Workforce Agreement:** **Applicants** must provide the following information and verifiable documentation in a letter jointly signed by the **Applicant** and the external organization
- (i) Documentation of the agreements, including, a Targeted Hiring Plan, as defined in in HSC 38599.10, demonstrating how the applicant will:
    - a. Create jobs for residents of under-resourced, tribal, and **Low-income Communities** in the same region as the proposed project
    - b. Ensure access for the aforementioned residents to those jobs

- c. Create a defined cohort of pre-apprentices from local programs with close and demonstrable connections to state-certified apprenticeships
- (D) **Projects that are located in jurisdictions with Local Hire Ordinances: Applicants** must provide the following information and verifiable documentation in a letter:
- (i) Date the ordinance took effect
  - (ii) Documentation of the ordinance's requirements,
  - (iii) Confirmation the **Project** will be subject to and comply with the ordinance's requirements that including:
    - a. A specific number of targeted workers or apprenticeships to be hired;
    - b. The mechanism for targeting the workers or apprenticeships; and
    - c. The programs from which workers or apprenticeships will be recruited from
- (i) **Housing Affordability - 5 Points Maximum**
- (1) For rental **Affordable Housing Developments**, the following shall apply:
- (A) Up to 3 points will be awarded for applications which restrict a percentage of units in a rental **Affordable Housing Development** to Extremely Low Income (ELI) households. Points will be awarded based on the percent of total units restricted to ELI households as follows:
    - (i) 15 to 19.9 percent of total units = 1 points
    - (ii) 20.0 to 24.9 percent of total units = 2 points
    - (iii) 25 percent or more of total units = 3 points
  - (B) Up to 2 points will be awarded for applications which restrict a percentage of three-bedroom or larger units in a rental **Affordable Housing Development** to Extremely Low Income or Very Low-Income households. Points will be awarded based on the percent of total units restricted to three-bedroom or larger at ELI or Very Low-Income households as follows:
    - (i) 10 to 19.9 percent of total units = 1 points
    - (ii) 20 percent or more of total units = 2 points
- (2) For homeownership **Affordable Housing Developments** the following shall apply:
- (A) Up to 5 points will be awarded for applications which restrict a percentage of units in a homeownership **Affordable Housing Development to Low-Income (LI) households**. Points will be awarded based on the percent of total units restricted to LI households as follows:
    - (i) 20 to 29.9 percent of total units = 2 points
    - (ii) 30 to 39.9 percent of total units = 3 points
    - (iii) 40 to 49.9 percent of total units = 4 points
    - (iv) 50 percent or more of total units = 5 points

(j) **Programs – 3 Points Maximum**

- (1) 3 points will be awarded to applicants that propose an AHSC-funded **Program (PGM) Cost** in partnership with a non-profit organization (including churches, Community Based Organizations, or other organization registered as a 501(c)(3) Organization) for at least \$150,000. All proposals in partnership with a non-profit must provide a commitment letter and a proposed workplan describing how each program or activity will be implemented. An **Applicant** seeking points for an activity under the Anti-Displacement category is not eligible for additional points for that same activity under the **Programs** section.

The following items should be included in the proposed workplan: 1) Proposed Scope of Work by task; 2) Budget by task; 3) Deliverables by task; 4) Proposed implementation timeline; 5) Current status of work, if applicable; 6) Current status of the role the non-profit plays in the **Project Area**; 7) Proposed measures of success & tracking protocols; and 8) Signatures from all implementing parties agreeing to the terms above

Note: Not all eligible costs identified as **Program (PGM) Costs** in Section 103 will fully satisfy this scoring criteria. Programs proposed under this section must fall under one of these four categories to be eligible for points.

- (A) **Active Transportation** Encouragement and Safety: **Active Transportation** programs that encourage residents to walk or bicycle more frequently and more safety. Programs may include, but are not limited to: Bike Safety Workshops, Walking School Buses or other group walking activities, Safe Routes to School or Transit. Additionally, distribution of lights, safety equipment, or bicycles to low-income residents are an eligible **Program Cost** as an incentive for participation in safety education programs
- (B) Low-Income **Zero Emission Vehicle (ZEV)** Car Sharing Programs: Programs that provide free or reduced cost access to **Zero Emission Vehicle** Car Sharing Programs.
- (C) **AHD Resident Support**: Instructor-led adult educational, health and wellness, or skill building classes. Includes, but is not limited to: Financial literacy, computer training, home-buyer education, GED classes, and resume building classes, ESL, nutrition class, exercise class, health information/awareness, art class, parenting class, on-site food cultivation and preparation classes, and smoking cessation classes. Drop-in computer labs, monitoring or technical assistance shall not qualify.
- (D) **Tenant Legal Counseling**: Programs that provide legal advice and education to renters on their rights as a tenant and access to programs to help reduce risks of evictions and displacement. Section 103(b)(1)(A) applies.

## Narrative Based Policy Scoring – 18 Points Maximum

The narrative-based policy scoring section of the application will be scored only for projects that meet threshold requirements listed in Section 106. For Narrative-Based Policy Scoring, applicants must provide responses to the questions and prompts outlined in the Narrative Prompts document. Please reference the Narrative Prompts document and rubric at the SGC **AHSC Program** Website for instructions, the specific questions to answer, and necessary application materials. The following is a summary of each section:

(a) **Community Benefits & Engagement - 6 Points Maximum:**

Community involvement and leadership are crucial to ensuring that both the principal objectives and co-benefits of the project respond to the true needs of the community. Taken together, the responses to the prompts will explain how local residents and community-based organizations were meaningfully engaged in developing the **Project**, especially those from **Disadvantaged** and **Low-income Communities**, and how the project addresses community-identified needs and promotes community health and well-being. The prompts will ask applicants to address two main components: (1) Community Engagement and Leadership and (2) how the AHSC **Project** addresses community needs.

(b) **Climate Adaptation & Community Resiliency - 5 Points Maximum**

Communities will continue to experience effects of climate change in many ways, including increased likelihood of droughts, flooding, heatwaves, sea level rise, severe weather, and wildfires. Due to these effects, climate resiliency is a key part of planning and project implementation. The prompts will ask applicants to address how the risks posed from climate change and other environmental exposures will be reduced by strategies listed in the Climate Adaptation Assessment Matrix. The prompts will also ask how the **Project** will reduce the health risks of climate change and other environmental exposures including extreme heat, wildfires and smoke, air pollution from vehicle emissions, and more. Under this section applicants will fill out the Climate Adaptation Assessment Matrix.

*Note: If available, use localized climate impact projections. For tools to help assess general climate impacts, please visit [Cal-Adapt's Local Climate Snapshot tool](#).\* For adaptation tools, resources, strategies and case studies visit the [state's Adaptation Clearinghouse](#).*

(c) **Collaboration & Planning - 4 Points Maximum**

Collaboration between local governments and housing and transportation providers is critical to create a project that ensures connectivity and responds to the day to day needs of the community. Taken together, the responses to the prompts of this section should outline how the proposed project brings together the efforts of local government, including housing and transportation agencies to achieve projects that improve efforts related to climate adaptation, health, housing, mobility, and safety. The prompts will ask applicants to address two components of this: (1) Local Planning Efforts and (2) Housing and Transportation Collaboration.

(d) **Equity & Transformation – 3 Points Maximum**

As stated in the **AHSC Program** Overview, SGC is committed to achieving racial equity in its operations, investments, and policy initiatives and to achieving its vision that: All people in California live in healthy, thriving, and resilient communities regardless of race (read more in the [SGC Racial Equity Action Plan](#)). The **AHSC Program** encourages a holistic approach to community development and broader investments in neighborhoods. Under this section, the prompts will ask applicants to describe how the **Project**: 1) advances equity and 2) is either piloting new or innovative approaches or policies, leveraging existing resources in a new way, or shaping future projects in the nearby communities.

## Section 108. Application Process

- (a) Pursuant to direction of the **Council**, the **Department** shall offer funds through a **NOFA** and applications will be reviewed based on the steps detailed below.
- (b) The **Department** will schedule optional pre-application consultations as detailed in the **NOFA** to provide assistance to applicants regarding minimum threshold eligibility and other requirements.
- (c) Applications will be made available through the **Department**, and complete applications and supporting documentation must be submitted to the **Department** by the deadline detailed in the **NOFA**. An application workbook will be developed by SGC and the **Department** in accordance with these Guidelines, and will outline the required documentation and methods by which compliance with the Guidelines is demonstrated.
- (d) The **Department** may elect to not evaluate compliance with some or all threshold requirements for applications that are not within a fundable range.
- (e) Applications will be reviewed, and negative points assessed, consistent with the **Department's** Negative Points Policy. The Negative Points Policy, Administrative Notice Number 2022-01 dated March 30, 2022, and as [published on the Department's website](#), is hereby incorporated by this reference to these Guidelines as if set in full herein and shall apply with equal force as all other provisions set forth herein.
- (f) Applications recommended for funding and approved by the **Council** are subject to conditions specified by the **Department**. Applicants will receive an official letter of award after funding recommendations are approved by the **Council**.
- (g) Applications will be treated in accordance with Public Records Act. Certain information, in accordance with the Public Records Act, may be publicly disclosed.
- (h) The highest scoring applications that meet all threshold requirements as determined by the **Department**, based on criteria set forth in these guidelines, shall be recommended to the **Council** for funding as specified in the **NOFA**. If there are insufficient **Projects** that have scored 70 points or more, the **Council** may make adjustments in this procedure to meet the following objectives:
  - (1) **Project Area Type** funding goals: The goals are as follows:
    - (A) At least thirty-five (35.0) percent of funds as designated in the **NOFA** to **TOD Project Area** applications;
    - (B) At least thirty-five (35.0) percent of funds as designated in the **NOFA** to **ICP Project Areas** applications;
    - (C) At least ten (10.0) percent of funds as designated in the **NOFA** to **RIPA** applications; and
    - (D) **Remaining Funds**: After designating funds to **Projects** that meet the **Project Area Type** funding targets, remaining available funds may be awarded to any eligible **Project Area Type** that meets the goals detailed below.

- (2) **Geographic Goal:** The **Council** strives to achieve a diverse distribution of resources and recognizes that in order to meet the State’s environmental commitments, GHG emission reductions must be made in all parts of the State. The **Council** will use **Remaining Funds**, as described in (D), above, to ensure a distribution of total AHSC funds that allows for all geographic areas with a competitive application to receive funds, with a minimum of one (1) per geographic area to be awarded.

The **AHSC Program** defines the eight geographic areas as follows (listed by geographic area followed by counties pertaining to each area):

- (A) Central Coast: Monterey, San Benito, San Luis Obispo, Santa Barbara, Santa Cruz, Ventura
  - (B) Coastal Southern California: Los Angeles, Orange
  - (C) Inland Southern California: Imperial, Riverside, San Bernardino
  - (D) North State & Sierras: Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity, Tuolumne
  - (E) Sacramento Area: El Dorado, Placer, Sacramento, Sutter, Yolo, Yuba
  - (F) San Diego Area: San Diego
  - (G) San Francisco Bay Area: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma
  - (H) San Joaquin Valley: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare
- (3) **Tribal Entity Goal:** Regardless of **Project Area Type**, and to the extent qualifying **Projects** are received, the **Council** will seek to fund one project per funding cycle to a **Tribal Entity**. To be considered for the Tribal funding target, a **Tribal Entity** must be the **Developer** for the **AHD** and/or **HRI** components, or the project partner responsible for **STI** and/or **TRA** components. Projects where the only involvement of a **Tribal Entity** is as an applicant for **Program Costs**, the **Project** will not be considered for the Tribal funding target. The **Project** must meet the requirements laid out in Appendix B to qualify for the Tribal funding target. Unless stated otherwise, the **Project** must meet all **AHSC Program** requirements. If multiple **Tribal Entities** apply for **Projects** but are not awarded through the **Project Area Types** goals, the **Council** will apply the scoring criteria from these Guidelines to rank the **Projects** and may take into consideration the level of Tribal involvement and leadership in a **Project** before awarding the **Project** that will meet the Council’s Tribal target. Any remaining **Project(s)** involving a **Tribal Entity** will compete for the **Remaining Funds** along with all other projects.
- (4) **Priority Populations Statutory Requirement:** At least fifty (50.0) percent of **AHSC Program** expenditure for **Projects** must benefit **Disadvantaged Communities**. In addition to this requirement, **AHSC Program** funds must be spent in accordance with the goals for **Low-Income Communities** as identified

in the CARB [Funding Guidelines for Agencies Administering California Climate Investments](#). **Projects' Disadvantaged Community and Low-Income Community** status are based upon the location of their AHSC-funded **Affordable Housing Development**.

- (5) Affordable Housing Statutory Requirement: At least fifty (50.0) percent of the annual proceeds appropriated for the **AHSC Program** shall be expended for **Affordable Housing Development(s)**. For the purposes of this set-aside, expenditures related to **Affordable Housing Development** and **Housing Related Infrastructure Capital Projects** shall count toward this requirement.
  - (6) A single **Project** may count toward any or all the requirements and targets in Section 108(h)(1)-(5).
  - (7) After all the requirements and targets in Section 108(h)(1)-(5) are achieved, any **Remaining Funds** will be awarded to the highest scoring applications. In the event of two or more applications have the same final score, the **Project** with the total highest GHG reductions (MTCO<sub>2e</sub>), after appeals and verification, will take precedence.
  - (8) To the extent applications received are insufficient to meet any of the targets detailed above, the **Council** reserves the right to waive these targets at their discretion.
- (i) The following additional policies will inform the final decision of **Project** awards:
- (1) A single **AHD Developer** may not be awarded more than \$100 million per **NOFA** funding cycle, however this limitation may be waived if necessary to meet AHSC statutory funding set-asides.
  - (2) **Projects** will not be partially funded. At the discretion of the **Council**, a **Project** that received a lower score may be awarded funding if the **Remaining Funds** are sufficient to fully fund the **Project**. If funds remain after awards, those funds will roll forward into the next **NOFA**.
  - (3) To support implementation of an applicable SCS and consistency with activities or strategies identified in a regional SCS, or equivalent planning document that demonstrates per capita reductions in VMT and GHG, as allowed by [SB 862](#) (Chapter 36, Statutes of 2014), an MPO/region may develop its own process prior to the application due date to identify and recommend applications that have the highest regional priorities based on criteria established by the MPO/region.

## Article III. Legal and Reporting Requirements

### Section 109. Legal Documents

- (a) **Affordable Housing Developments:** Upon the award of **AHSC Program** funds to assist an **Affordable Housing Development**, the **Department** shall enter into one or more agreements with the applicant, one of which will be in the form a State of California Standard Agreement (Standard Agreement), which shall commit funds from the **AHSC Program** in an amount sufficient to fund the approved **AHSC Program** loan or grant amount. The agreement or agreements shall contain the following:
- (1) A description of the approved **Affordable Housing Development** and the permitted uses of **AHSC Program** funds;
  - (2) The amount and terms of the **AHSC Program** loan;
  - (3) The regulatory restrictions to be applied to the **Affordable Housing Development** through the **Regulatory Agreement**;
  - (4) Special conditions imposed as part of the **Department's** approval of the **Affordable Housing Development**;
  - (5) Requirements for the execution and the recordation of the agreements and documents required under the **AHSC Program**;
  - (6) Terms and conditions required by federal and state law;
  - (7) Requirements regarding the establishment of escrow accounts for the deposit of documents and the deposit and disbursement of **AHSC Program** loan proceeds;
  - (8) The approved schedule of the **Affordable Housing Development**, including land acquisition if any, commencement and completion of construction or rehabilitation work, and occupancy by eligible households;
  - (9) Terms and conditions for the inspection and monitoring of the **Project** in order to verify compliance with the requirements of the **AHSC Program**;
  - (10) Provisions regarding compliance with California's Relocation Assistance Law (Gov. Code, Section 7260 et seq.) and the implementing regulations adopted by the **Department** (Cal. Code Regs., tit. 25, Section 6000 et seq.), or to the extent applicable, compliance with federal Uniform Relocation Act requirements;
  - (11) Provisions relating to the placement of a sign on or in the vicinity of, the **Affordable Housing Development** site indicating that the **Council** has provided financing for the **Affordable Housing Development**. The **Council** may also arrange for publicity of the **AHSC Project** in its sole discretion;
  - (12) Provisions to ensure that the **Eligible Costs** and use of **AHSC Program** funds maintain the required GHG Reduction represented in the application;
  - (13) Other provisions necessary to ensure compliance with the requirements of the **AHSC Program**;

- (14) Description of the conditions constituting breach of the agreement(s) and remedies available to the parties thereto;
  - (15) Provisions identifying the modification or waiver of state housing finance requirements for **Tribal Entities** pursuant to Appendix B, if applicable;
  - (16) Provisions expressly providing that all awards of **Department** loan or grant funding made to the **Project**, or to any component or components of the **Project**, are cross-defaulted to one another such that:
    - (A) Compliance with all **Department** funding awards to the **Project** is a prerequisite of funding any of the **Department** funding awards; and
    - (B) A default on any one award of **Department** funding constitutes a default of all other **Department** funding awards made to the **Project**;
  - (17) Provisions expressly providing that if any **Project** components (**AHD, HRI, STI, TRA, or PGM**, as applicable) are not timely completed pursuant to **AHSC Program** requirements, the **Project** will no longer qualify for the **AHSC Program** award, and the award will be disencumbered; and
  - (18) Any of the **Department's** standard contractual terms that may be applicable.
- (b) For rental **Affordable Housing Developments**, the **Department** shall enter into a **Regulatory Agreement** with the applicant for not less than the original term of the loan that shall be recorded against all sites comprising the property of the **Affordable Housing Development** prior to the disbursement of funds. The **Regulatory Agreement** shall include, but not be limited to, the following:
- (1) The number, type and income level of **Restricted Units**;
  - (2) Standards for tenant selection pursuant to 25 CCR 8305;
  - (3) Provisions regulating the terms of the rental agreement pursuant to 25 CCR 8307;
  - (4) Provisions related to a Rent Schedule, including initial rent levels for **Restricted Units** and non-Restricted Units pursuant to subsections (a) and (b) of **MHP Guidelines Section 7312**;
  - (5) Conditions and procedures for permitting rent increases pursuant to **MHP Guidelines Section 7312**;
  - (6) Provisions for limitations on Distributions pursuant to 25 CCR 8314 and on developer fees pursuant to 25 CCR 8312;
  - (7) Provisions regarding the deposit and withdrawal of funds to and from reserve accounts in accordance with 25 CCR 8308 and 8309;
  - (8) Assurances that the **Affordable Housing Development** will be maintained in a safe and sanitary condition in compliance with state and local housing codes and the management plan, pursuant to **MHP Guidelines Section 7325**;
  - (9) Description of the conditions constituting breach of the **Regulatory Agreement** and remedies available to the parties thereto;

- (10) Provisions governing use and operation of non-Restricted Units and common areas to the extent necessary to ensure compliance with **AHSC Program** requirements;
  - (11) Special conditions of loans and grants approval imposed by the **Department**;
  - (12) “Operations,” **MHP** Guidelines Sections 7322 through 7327, shall apply to rental **Affordable Housing Developments** assisted by the **AHSC Program**;
  - (13) Provisions expressly providing that all awards of **Department** loan or grant funding made to the **Project**, or to any component or components of the **Project**, are cross-defaulted to one another such that:
    - (A) Compliance with all **Department** funding awards to the **Project** is a prerequisite of funding any of the **Department** funding awards, and
    - (B) A default on any one award of the **Department** funding constitutes a default of all other **Department** funding awards made to the **Project**.
  - (14) Provisions governing income from commercial uses pursuant to **MHP** Guidelines 7326, 7304(b)(8), and 7304(c); and
  - (15) Other provisions necessary to assure compliance with the requirements of the **AHSC Program**.
- (c) For homeownership **Affordable Housing Developments**, the **Department** shall enter into a **Regulatory Agreement** with the applicant that shall be recorded against all sites comprising the property of the **Affordable Housing Development** prior to the disbursement of funds. The **Regulatory Agreement** shall include, but not be limited to, the following:
- (1) The number, type and income level of **Restricted Units**;
  - (2) Standards for homebuyer selection procedures;
  - (3) Requirements for a subsequent regulatory agreement to be recorded on each individual home when sold to an individual homebuyer;
  - (4) Provisions related to the purchase price of **Restricted Units**;
  - (5) Description of the conditions constituting breach of the **Regulatory Agreement** and remedies available to the parties thereto;
  - (6) Provisions governing use and operation of non-Restricted Units and common areas to the extent necessary to ensure compliance with **AHSC Program** requirements;
  - (7) Special conditions of loans and grants approval imposed by the **Department**;
  - (8) Provisions expressly providing that all awards of **Department** loan or grant funding made to the **Project**, or to any component or components of the **Project**, are cross-defaulted to one another such that:
    - (A) Compliance with all **Department** funding awards to the **Project** is a prerequisite of funding any of the **Department** funding awards, and
    - (B) A default on any one award of the **Department** funding constitutes a default of all other **Department** funding awards made to the **Project**.

- (9) Other provisions necessary to assure compliance with the requirements of the **AHSC Program**.
- (d) All **AHSC Program** loans for assistance to rental **Affordable Housing Developments** shall be evidenced by a promissory note payable to the **Department** in the principal amount of the loan and stating the terms of the loan consistent with the requirements of the **AHSC Program**. The note shall be secured by a deed of trust on the **Affordable Housing Development** property naming the **Department** as beneficiary or by other security acceptable to the **Department**; this deed of trust or other security shall be recorded junior only to such liens, encumbrances and other matters of record approved by the **Department** and shall secure the **Department's** financial interest in the **Affordable Housing Development** and the performance of applicant's **AHSC Program** obligations.
- (e) Grants shall be governed by one or more agreements, which may be in the form a State of California Standard Agreement or other agreement with the **Recipient** in a form prescribed by the **Department**. The agreement or agreements shall ensure that the provisions of these Guidelines are applicable to the **Project** covered by the agreement and enforceable by the **Department**. The agreement or agreements will contain such other provisions as the **Department** determines are necessary to meet the requirements and goals of the **AHSC Program**, including but not limited to the following:
- (1) A description and sources and uses of the approved **Project** and the permitted uses of **AHSC Program** funds;
  - (2) Provisions governing the amount, terms and conditions of the **AHSC Program** grant;
  - (3) Provisions governing the construction work and, as applicable, the acquisition and preparation of the site of the **Capital Project**, and the manner, timing and conditions of the disbursement of grant funds;
  - (4) A schedule for completion of the **Project** and a series of milestones for progress toward **Project** completion together with the remedies available to the **Department** in the event of the failure to meet such milestones;
  - (5) Provisions for the payment of prevailing wages if and as required by state or federal law;
  - (6) Requirements for periodic reports from the **Recipient** on the construction and use of the **Project** and provisions for monitoring of the **Project** by the **Department**;
  - (7) The **Recipient's** responsibilities for the development of the approved **Project**, including, but not limited to, construction management, maintaining of files, accounts and other records, and report requirements;
  - (8) Provisions relating to the development, construction, affordability and occupancy of the **Affordable Housing Development** supported by the **Housing Related Infrastructure Capital Project**, if applicable;
  - (9) Provisions relating to the placement on, or in the vicinity of, the **Project** site, a sign indicating that the **Council** has provided financing for the **Project**.

The **Council** may also arrange for publicity of the **Project** in its sole discretion;

- (10) Remedies available to the **Department** in the event of a violation, breach or default of the Standard Agreement;
- (11) Requirements that the **Recipient** permit the **Department** or its designated agents and employees the right to inspect the **Project** and all books, records and documents maintained by the **Recipient** in connection with the **AHSC Program** grant or loan or both;
- (12) Special conditions imposed as part of **Department** approval of the project;
- (13) Terms and conditions required by federal or state law;
- (14) Provisions to ensure that the **Project** maintains the required **GHG Reduction** as represented in the application;
- (15) Provisions expressly providing that all awards of **Department** loan or grant funding made to the **Project**, or to any component or components of the **Project**, are cross-defaulted to one another such that:
  - (A) Compliance with all **Department** funding awards to the **Project**, is a prerequisite of funding any of the **Department** funding awards; and
  - (B) A default on any one award of **Department** funding constitutes a default of all other **Department** funding awards made to the **Project**;
- (16) Provisions expressly providing that if any **Project** components (**AHD, HRI, STI, TRA, or PGM**) are not timely completed pursuant to **AHSC Program** requirements, the **Project** will no longer qualify for the **AHSC** award, and the award will be disencumbered; and
- (17) Other provisions necessary to ensure compliance with the requirements of the **AHSC Program**.

## Section 110. Reporting Requirements

- (a) During the term of the Standard Agreement and according to the annual deadline identified in the Standard Agreement, the **Recipient** shall submit, upon request of the **Department** and the **Council**, an annual performance report that demonstrates satisfaction of all reporting requirements pursuant to the **AHSC Program** reporting requirements identified in the Standard Agreement. Recipient shall also submit the reports required by **MHP** Guidelines Article 5. Operations and any additional reporting requirements developed by the **Department**, the **Council** or **CARB**. The reports will be filed on forms provided by the **Department**.
- (b) **Recipient** is responsible for meeting the applicable project reporting requirements of CARB's *Funding Guidelines for Agencies that Administer California Climate Investments* as well as CARB's AHSC Program Quantification Methodology and Benefits Calculator Tool. These may include, but are not limited to: **Project** metrics; the duration over which the **Recipient** will track **Project** metrics; frequency of reporting; the format **Recipient** will use to report; **Project** profile information; **Project** benefit information; and information related to **Priority Population** benefits.
- (1) **Recipients** are required to submit an estimate of the number of jobs supported by their projects using CARB's Jobs Co-Benefit Assessment Methodology within 90 days of award. This methodology will estimate the number of jobs supported by the AHSC investment based upon the **Project's** budget.
- (2) Consistent with the [2018 Funding Guidelines for Agencies that Administer California Climate Investments](#), AHSC funding recipients must track and report the employment outcomes of their projects.
- (A) **Recipients** will be required to conduct Employment Benefits and Outcomes Reporting for employment benefits and outcomes created supported by the AHSC investment and all leveraged funding, while accommodating provisions for data privacy. Once funds are disbursed, reporting may occur as frequently as an annual basis. **AHSC Program** staff will work with **Recipients** to clarify what the jobs reporting process may look like.
- (B) **Recipients** must report on all jobs created as a result of the construction or delivery of the AHSC **Projects**. This includes all jobs created, regardless of their funding source, that are used for delivering project components funded at least in-part by AHSC. The **Project's** total development costs reported in the AHSC Application Workbook contains the scope of the AHSC-funded **Project** and all jobs created by it.
- (C) **Recipients** must report annually on all jobs created from the date the standard agreement is executed and continues until the following milestones are reached.
- (i) Grant Standard Agreement: all funds are disbursed
- (ii) Loan Standard Agreement: The **AHD** converts to permanent financing
- (D) **Recipients** must specify jobs created by the **AHSC Program** that employ individuals who live within **Priority Population** census tracts or low-income households. To identify individuals who live within **Priority Populations**

census tracts or in low-income households, refer to the “Read Me” tab of the AHSC Jobs Reporting Template, posted on [CARB CCI Quantification, Benefits, and Reporting Materials webpage](#).

- (E) **Recipients** must ensure that all subcontractors receiving \$100,000 or more, **AHSC Program** funds or otherwise, from the **Recipient** must report on jobs created by the **Project**. Reporting must be completed using the AHSC Jobs Reporting Template provided by CARB.
  - (F) Reporting will be done according to both trade and classification to include the following:
    - (i) Job education required\*
    - (ii) Job experience required\*
    - (iii) Job training credentials\*
    - (iv) Number of jobs provided\* , \*\*
    - (v) Total project work hours\* , \*\*
    - (vi) Average hourly wage\* , \*\*
    - (vii) Total number of workers that completed job training\* , \*\*
    - (viii) Employer paid health insurance provided\*
    - (ix) Paid leave\*
    - (x) Retirement plan\*
    - (i) Targeted hiring strategy
- (3) Consistent with the *2018 Funding Guidelines for Agencies that Administer California Climate Investments*, **Recipients** must report on all outcomes resulting from the AHSC **Projects**. This includes metrics related to **AHD, HRI, STI, and TRA Projects**. Reporting will include the following components and other metrics as requested, for a duration of no more than five (5) years:
- (A) **AHD/HRI Project** metrics: Project operational date; outcome tracking start date; housing unit occupancy rate; income restricted housing unit occupancy rate; mode share of all residents (i.e., transit, bicycling, walking, driving); mode share of Low-income residents; residents using transit passes; occupancy of commercial space
  - (B) **STI and TRA transit Project** metrics: Average daily ridership of transit
  - (C) **STI active transportation Project** metrics: Average traffic of bicycle and pedestrian facilities; days of operational per year
- (c) At any time during the term of the Standard Agreement, the **Department** may perform or cause to be performed a financial audit of any and all phases of the **Recipient’s Project**. At the **Department’s** request, the **Recipient** shall provide, at its own expense, a financial audit prepared by a certified public accountant. The State of California has the right to review project documents and conduct audits during project implementation and over the project life.
- (d) Reporting requirements listed in this section are **Eligible Costs** under **Employment Benefits and Outcomes Reporting** for each **Capital Project** or **Program Cost** as described in Section 103.

## Section 111. Performance Requirements

- (a) **Recipients** shall begin construction of the housing units to be developed in the **Affordable Housing Development** that is a **Capital Project** within the time set forth in the Standard Agreement but not later than two years from date of award letter.
  - (1) **Recipients** may request an extension of the performance requirement in Section 111(a) by addressing a letter to SGC's Executive Director explaining the circumstances for why an extension is needed and detailing a plan for meeting the extended performance requirement deadline. At the discretion of SGC's Executive Director, an extension of up to two (2) years may be granted. Only one extension to the requirements of this section may be granted.
- (b) The housing units developed in the **Affordable Housing Development** that is a **Capital Project** must be completed, as evidenced by receipt of a certificate of occupancy not later than five years from date of award letter.
  - (1) **Recipients** may request an extension of the performance requirement in Section 111(b) by addressing a letter to SGC's Executive Director explaining the circumstances for why an extension is needed and detailing a plan for meeting the extended performance requirement deadline. At the discretion of SGC's Executive Director, an extension of up to two (2) years may be granted. Only one extension to the requirements of this section may be granted.
- (c) **AHSC Program** funds must be disbursed in accordance with deadlines specified in the Standard Agreement, and in no event later than the disbursement deadlines outlined in the **NOFA**.
- (d) **Recipients** may not apply for **AHSC Program** funds in a subsequent **NOFA** for the same **Project** if it is already funded by a prior award of **AHSC Program** funds.
- (e) Negative points will be assessed against the **AHD Developer** consistent with the **Department's** Negative Points Policy. The Negative Points Policy, Administrative Notice Number 2022-01 dated March 30, 2022, and as published on the **Department's** website, is hereby incorporated by this reference to these Program Guidelines as if set forth in full herein and shall apply with equal force as all other provisions set forth herein.
- (f) In addition to Section 111(a) through (e), **Affordable Housing Development** award **Recipients** will be subject to the **Department's** Disencumbrance Policy. The Disencumbrance Policy, Administrative Notice Number 2022-22 dated March 30, 2022, and as published on the **Department's** website, is hereby incorporated by this reference to these **AHSC Program** Guidelines as if set forth in full herein and shall apply with equal force as all other provisions set forth herein.

## Section 112. Defaults and Cancellations

- (a) In the event of a breach or violation by the **Recipient** of any of the provisions of the Standard Agreement, the **Department** may give written notice to the **Recipient** to cure the breach or violation within a period of not less than 15 days. If the breach or violation is not cured to the satisfaction of the **Department** within the specified time period, the **Department**, at its option, may declare a default under the Standard Agreement and may seek legal remedies for the default including, but not limited to, the following:
- (1) The **Department** may accelerate all amounts, including outstanding principal and interest, due under the loan and demand immediate repayment thereof. Upon a failure to repay such accelerated amounts in full, the **Department** may proceed with a foreclosure in accordance with the provisions of the deed of trust and state law regarding foreclosures.
  - (2) The **Department** may seek, in a court of competent jurisdiction, an order for specific performance of the defaulted obligation or the appointment of a receiver to complete the **Project** in accordance with **AHSC Program** requirements.
  - (3) The **Department** may seek such other remedies as may be available under the relevant agreement or any law.
  - (4) In the event the **Project** is or has been awarded additional **Department** funding, any and all such funding will be cross defaulted to and among one another in the respective loan or, where applicable, grant documents. A default under one source of **Departmental** funding shall be default under any and all other sources of **Department** funding in the **Project**.
- (b) If the breach or violation involves charging tenants rent or other charges in excess of those permitted under the **Regulatory Agreement**, the **Department** may demand the return of such excess rents or other charges to the respective households. In any action to enforce the provisions of the **Regulatory Agreement**, the **Department** may seek, as an additional remedy, the repayment of such overcharges.
- (c) The **Department** may cancel funding commitments and Standard Agreements under any of the following conditions:
- (1) The objectives and requirements of the **AHSC Program** cannot be met by continuing the commitment or Standard Agreement;
  - (2) There has been a material change, not approved by the **Department**, in the **Project** or the principals or management of the **Developer** or **Project**;
  - (3) Construction of the **Capital Project** or implementation of **Program Costs** cannot proceed in a timely fashion in accordance with the timeframes established in the Standard Agreement; or
  - (4) Funding conditions have not been or cannot be fulfilled within required time periods
- (d) Upon receipt of a notice of intent to cancel the grant from the **Department**, the **Recipient** shall have the right to appeal to the Director of the **Department**.

### Section 113. Prevailing Wages

For the purposes of the State Prevailing Wage Law (Labor Code Sections 1720 – 1781), a grant or loan under the **AHSC Program** shall be considered public funding for the construction, rehabilitation, demolition, relocation, preservation, or other physical improvement of the **Capital Project** subject to the provisions of the State Prevailing Wage Law. AHSC Program funding of the **Project** shall not necessarily, in and of itself, be considered public funding of a **Project** unless such funding is considered public funding under the State Prevailing Wage Law. It is not the intent of the **Department** in these regulations to subject **Projects** to the State Prevailing Wage Law by reason of **AHSC Program** funding of the **Project** in those circumstances where such public funding would not otherwise make the **Project** subject to the State Prevailing Wage Law. Although the use of **AHSC Program** funds does not require compliance with federal Davis Bacon wages, other funding sources may require compliance with federal Davis Bacon wages.

## Appendix A. Definitions

“Accessible Housing Unit(s)” refers collectively to “Housing Units with Mobility Features” and “Housing Units with Hearing/Vision Features” as defined below

- 1) A “Housing Unit with Mobility Features” means and refers to a housing unit that is located on an accessible route and complies with the requirements of the Code of Federal Regulations (CFR) 24 Section 8.22 and all applicable provisions of Uniform Federal Accessibility Standards (UFAS) or the comparable provisions of the Alternative Accessibility Standard, including but not limited to Sections 809.2 through 809.4 of the 2010 Standards for Accessible Design. A Housing Unit with Mobility Features can be approached, entered, and used by persons with mobility disabilities, including individuals who use wheelchairs. Such units must also comply with CBC 11B.
- 2) A “Housing Unit with Hearing/Vision Features” means and refers to a housing unit that complies with 24 CFR Section 8.22, and all applicable provisions of UFAS or the comparable provisions of the Alternative Accessibility Standard, including but not limited to Section 809.5 of the 2010 Standards for Accessible Design. Such units must also comply with the California Building Code (CBC) 11B.

“Active Transportation” means infrastructure projects that encourage increased use of active modes of transportation but does not include funding program operations. The project types include but are not limited to: design and construction of capital improvements (construction) that will improve safety and convenience of people who are biking, walking, or using non-motorized mobility devices. These infrastructure projects may include bikeways, paths, sidewalks, crosswalks, crossing beacons or signals, curb ramps, curb extensions and other similar facilities. Traffic Calming devices such as roundabouts, lane narrowing, lane reductions, or other facilities focused on vehicles speed and volume reductions may be considered Active Transportation infrastructure if installed in tandem with facilities dedicated to biking or walking.

“Active Transportation Program” means non-infrastructure related programs which instill safe pedestrian, bicyclist, and motorist behaviors to make safe **Active Transportation** possible. Non-infrastructure activities can stand-alone or be conducted with infrastructure projects (fixed facilities or permanent structural changes) to increase effectiveness. Program that seek funding for distribution of safety gear or bicycles should use the Caltrans Active Transportation Program Guidelines as a reference for when and how distribution is acceptable.

“Activity Delivery Costs” means staff costs incurred by the Public Agency Recipient that are directly related to implementing specific **Capital Projects** and **Program Costs**. They may include costs such as project document preparation, project underwriting, construction management, inspections, or reporting to the **Department**.

“Affordable Housing Development” or “AHD” means a **Capital Project** of residential development or the residential portion of a **mixed-use development** in which at least 20 percent of the total units are **Affordable Units**.

“Affordable Unit” means a housing unit that is made available at an affordable rent, as defined in Health and Safety Code Section 50053, to a household earning no more than 60 percent of the **Area Median Income (AMI)**. For homeownership projects, it means a housing unit that is made available at an affordable housing cost, as defined in Health and Safety Code Section 50052.5, to a household earning no more than 120 percent of the **AMI**. Rental Units shall be subject to a recorded covenant ensuring affordability for a duration of at least 55 years. Homeownership units shall initially be sold to and occupied by a qualified household and shall be subject to a recorded covenant that includes either a resale restriction for at least 30 years or equity sharing upon resale.

“Agricultural Land” means all categories of farmland in the California Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) tool ([California Important Farmland Finder](#)) including: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Farmland of Local Potential, Irrigated Farmland, Nonirrigated Farmland, and Grazing land.

“AHSC Program” means the program as outlined by these Program Guidelines.

“Alternative Accessibility Standard” also referred to as the HUD Deeming Notice (HUD-2014-0042-0001), means the alternative accessibility standard for accessibility set out in HUD’s notice at 79 Fed. Reg. 29671 (May 23, 2014), when used in conjunction with the requirements of 24CFR pt. 8, 24 CFR Section 8.22, and the requirements of 28 CFR pt. 35, including 28 CFR Section 35.151 and the 2010 Standards for Accessible Design as defined in 28 CFR Section 35.104.

“Applicant” has a meaning set forth in Section 105 in these Program Guidelines.

“Area Median Income” or “AMI” means the most recent applicable county median family income published by the **TCAC**. For **Tribal Entity** applicants, if United States Department of Housing and Urban Development’s (HUD’s) income for a county/parish located within a Tribal Entity’s service area is lower than the United States median, the **Tribal Entity** may use the United States median income limit.

“Assisted Unit” means a unit that is subject to the Program’s regulatory and/or occupancy restrictions as a result of the financial assistance provided by the Program, as specified in the **Regulatory Agreement**.

“Bus Rapid Transit” (BRT) means a rubber-tired form of rapid transit in an integrated system of facilities, equipment, services, and amenities that exceed the speed and reliability of regular bus service. BRT projects must meet all of the following criteria:

- 1) Operates along a dedicated right of way for at least two (2.0) **Lane Miles** along its route. Dedicated Right of Way (ROW) means that private motor vehicles are prohibited from use of the lane except for turns, parking, and/or the use of variable pricing High Occupancy Toll (HOT) Lanes.
- 2) All vehicles serving the route are equipped with **Transit Signal Priority (TSP)**
- 3) Has peak period minimum frequencies of 12 minutes or less

“Bus Service” means regularly scheduled public transit service operating with limited stops using a fixed route.

"Capital Project" means a **Project** consisting of the construction, rehabilitation, demolition, relocation, preservation, acquisition, or other physical improvement that is an integral part of or is necessary for completion of a **Project**.

"Context Sensitive Bikeway" means on-street infrastructure for bicycle riding that is appropriately applied based on the traffic volumes and speeds on a specific street, as [recommended by the California Department of Transportation](#) based on guidance from the Federal Highway Administration, American Association of State Highway and Transportation Officials, and the California Highway Design Manual

Place Type and Surrounding Land-Use <sup>1</sup>		Posted Speed			
		15-20	25-30	35-45	> 45
Urban Areas & Suburban Main Streets	<2,500	Standard Shoulder or Shared Lane	Standard Shoulder or Shared Lane	Class II or Class IV	Class IV
	2,500-5,000	Shared Lane	Shared Lane		
	5,000-10,000	Class II or Class IV	Class II or Class IV		
	>10,000	Class IV	Class IV		
Rural Areas (Developing Corridors)	<2,500	15-20	25-30	35-45	> 45
	2,500-5,000	Standard Shoulder (may be designated as a Class III facility):			
	5,000-10,000				
	>10,000				
	Rural Main Streets	<2,500	15-20	25-30	35-45
2,500-5,000		Standard Shoulder or Shared Lane	Class II	Class II	Class I or IV
5,000-10,000		Class II		Class I, II, or IV	
>10,000					

- 1) **Projects** may consider either the design year or post-**Project** implementation conditions for posted speed and Annual Average Daily Traffic (AADT).
- 2) Class I multi-use or bicycle paths are considered **Context Sensitive Bikeways** at any AADT and posted speed.
- 3) For the purposes of **AHSC Program** scoring and GHG quantification, a Class III bikeway must be often referred to as a 'Bicycle Boulevard.' A Bicycle Boulevard is more than just shared lane markings. A Bicycle Boulevard must combine all the following traffic calming measures: signs, pavement markings, speed and volume management measures, and infrastructure for safe and convenient crossings of busy arterials (5,000+ AADT or more).
- 4) For **AHSC Program** scoring purposes, "Rural Main Streets" shall be considered any roadway within one-quarter (1/4) of a mile of federal, state, or county highway within a **Rural Area**.
- 5) For **AHSC Program** scoring purposes and GHG Quantification, bikeways should be measured using **Lane Miles**

"Council" means the California Strategic Growth Council, established pursuant to Public Resources Code Section 75121.

"Deferred Costs" means costs deferred at construction loan closing, including but not limited to: capitalized reserves, loan fees, syndication costs, legal, accounting, audit, consultant fees, and developer fees paid from operating cashflow.

"Department" means the California Department of Housing and Community Development.

“Developer” means the entity that the **Department** and the **Council** rely upon for experience, site control, and capacity, and which controls (1) the **Affordable Housing Development** during development and through occupancy or the **Housing Related Infrastructure** during development and through completion, (2) the **Sustainable Transportation Infrastructure** during development and through operation, or (3) the **Transit-Related Amenities** during development and through Operation.

“Disadvantaged Community” (DAC) means:

- 1) Census tracts receiving the highest 25 percent of overall scores in CalEnviroScreen 4.0 (1,984 tracts).
- 2) Census tracts lacking overall scores in CalEnviroScreen 4.0 due to data gaps, but receiving the highest 5 percent of CalEnviroScreen 4.0 cumulative pollution burden scores (19 tracts).
- 3) Census tracts identified in the 2017 DAC designation as disadvantaged, regardless of their scores in CalEnviroScreen 4.0 (307 tracts).
- 4) Lands under the control of federally recognized Tribes. For purposes of this designation, a Tribe may establish that a particular area of land is under its control even if not represented as such on CalEPA's DAC map and therefore should be considered a DAC by requesting a consultation with the CalEPA Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations at [TribalAffairs@calepa.ca.gov](mailto:TribalAffairs@calepa.ca.gov).

“Employment Benefits and Outcome Reporting” means activities undertaken by **Local Agencies** and **Recipients** to coordinate and monitor the development of **Capital Projects** and **Programs** funded by the **AHSC Program** award as well as submission of data about the jobs and related benefits created by the AHSC Investment as required by the Funding Guidelines for Agencies Administering California Climate Investments.

“Enforceable Funding Commitment” or “EFC” means a letter or other document evidencing, to the satisfaction of the **Department**, a commitment of funds or a reservation of funds by a project funding source for construction or permanent financing, including, but not limited to, the following:

- 1) Private financing from a lender other than a mortgage broker, the **Applicant**, or an entity with an identity of interest with the **Applicant**, unless the **Applicant** is a lending institution actively and regularly engaged in residential lending;
- 2) Deferred-payment financing, residual receipts payment financing, grants, and subsidies from public agencies;
- 3) Funds awarded by another **Department** program. Proof of award must be issued prior to final rating and ranking of the Program application;
- 4) Funds conditionally reserved under the following programs shall be accepted as funding commitments: the Department of Housing and Urban Development's (HUD) Supportive Housing Program (SHP), HOME Investment Partnerships Program (HOME), Community Development Block Grant Program (CDBG), and the California Department of Mental Health's Mental Health Services Act (MHSA) Program.
- 5) A land donation in fee for no other consideration that is supported by an appraisal or purchase/sale agreement (“Land Donation”) or a local fee waiver

resulting in quantifiable cost savings for the Project where those fees are not otherwise required by federal or state law (“Local Fee Waiver”) shall be considered a funding commitment. The value of the Land Donation will be the greater of either the original purchase price or the current appraised value as supported by an independent third-party appraisal prepared by a Member-Appraisal-Institute-qualified appraiser within one year of the application deadline. A funding commitment in the form of a Local Fee Waiver must be supported by written documentation from the local Public Agency. A below market lease that meets the requirements of UMR section 8316 would be considered a land donation (\$1 per year).

- 6) Owner equity contributions or developer funds. Such contributions or funds shall not be subsequently substituted with a different funding source or forgone if committed in the application, except that a substitution may be made for up to 50 percent of deferred developer fee. The **Department** may require the applicant to evidence the availability of the proposed amount of owner equity or developer funds.
- 7) For homeownership **Affordable Housing Developments** only: Construction loans which will be repaid with revenue from the sale of homes to low- or moderate-income homebuyers.
- 8) Funds for transportation projects which are programmed for allocation and expenditure in the applicable capital improvement plan consistent with the terms and timeframes of the Standard Agreement.

“First-time homebuyer” is defined as a borrower who has not had an ownership interest in any principal residence or resided in the home owned by a spouse during the previous three years.

“Flexible Transit Service” means a form of transit for the public characterized by flexible routing and scheduling of small/medium vehicles operating in shared-ride mode (with at least two passengers) between pick-up and drop-off locations according to passenger needs. Flexible Transit Service includes vanpool, shuttle, paratransit, and feeder bus systems that reduce vehicle miles travelled.

“Floor Area Ratio” (FAR) means the square footage of the floor area of a building divided by the site square footage, excluding therefrom dedicated streets, sidewalks, parks, and open space. The floor area of a building is the sum of the gross area of each floor of the building, excluding mechanical space, cellar space, floor space in open balconies, enclosed parking and elevators or stair bulkheads. Multiplying the FAR by the area of the site produces the minimum amount of floor area required in a building on the lot. For example, on a 10,000 square-foot site in a district with a minimum FAR of 1.5, the floor area of a building must be at least 15,000 square feet.

“Greenhouse Gas Reduction” (GHG Reduction) means actions designed to reduce emissions of one or all the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

“Green Streets” means a sustainable stormwater strategy that meets regulatory compliance and resource protection goals by using a natural systems approach to manage stormwater, reduce flows, improve water quality, and enhance watershed health.

“High Quality Transit” means a **Qualifying Transit** line with high frequencies AND permanent infrastructure as follows:

- 1) Frequency: High Quality Transit must have **Peak Period** headway frequency on the same route, in the same direction, of every 15 minutes or less (e.g., every departure is not more than 15 minutes from the last) and service seven days a week. This level of service must have been publicly posted by the provider at some point between January 2022 and the time of application.
- 2) Permanent Infrastructure: High Quality Transit must operate on a railway or meet the definition of **Bus Rapid Transit**.

“Higher Opportunity Areas” means neighborhoods of opportunity, with high-performing school, greater availability of jobs that afford entry to the middle class, and convenient access to transit and services. Such areas are defined as ‘high’ or ‘highest’ resources areas in the [2022 TCAC/HCD Opportunity Map](#).

“Housing Related Infrastructure” means a capital infrastructure improvement required as a condition of approval of an **Affordable Housing Development** by a **Locality**, transit agency or special district such as sewer, water or utility system upgrades, streets, drainage basins, etc. or a capital infrastructure improvement allowed under Section 103(a)(2)(A).

“Indian Country” means (i) all land located in “Indian country” as defined by 18 U.S. Code (USC) 1151; (ii) all land within the limits of a Rancheria under the jurisdiction of the United States Government; (iii) all land held in trust by the United States for an Indian tribe or individual; and (iv) all land held by an Indian tribe or individual subject to a restriction by the United States against alienation.

“Infill Site” means a site that has been previously developed or at least three of four sides or 75 percent of the perimeter of the site adjoins parcels that are currently developed with qualified **Urban Uses**. Perimeters bordering navigable bodies of water and improved parks shall not be included in this calculation. To qualify as an infill site, the site must also be located in an urbanized area meaning that it fulfills one of the following requirements:

- 1) located within an incorporated city with a charter recorded with the State of California, OR
- 2) for unincorporated areas outside an urbanized area or urban cluster, the area shall be within a designated urban service area that is designated in the local general plan for urban development and is served by public sewer and water.
- 3) Applications from **Tribal Entities** may request an exemption to the requirement to be located within an urbanized area or urban cluster

“Innovative Transit” means a broad category transportation services that includes on-demand shuttles and circulators, paratransit services, and private sector transit solutions commonly referred to as “microtransit.” The innovative transit service must be demand-responsive (routes and/or frequency of service are determined dynamically

based on customer demand) and capable of serving multiple riders simultaneously (not only a single rider service).

“Integrated Connectivity Project (ICP) Project Area” means a **Project Area** which includes at least one (1) **Transit Station/Stop** that is served by **Qualifying Transit**, but not **High Quality Transit** as defined in Section 102.

“Intelligent Transportation Systems” means electronics, communications, or information technology, used singly or in combination, to improve the efficiency, accessibility, or safety of the surface transportation system.

“Joint Venture” means a partnership between applicants that meets the definition as set forth by **Multifamily Housing Program (MHP)** Guidelines, Appendix A.

“Key Destinations” means vital community amenities and resources. The specification of each Key Destination is listed below in (1-10). Key Destinations must be operational at the time of application. For scattered site projects, applicants should identify distance of Key Destinations around the single point identified for the **Project Area** Map.

- 1) Grocery store: either a full-service grocery store or neighborhood market that is listed on the U.S. Department of Agriculture (USDA) as a SNAP Retail Locator tool
- 2) Food bank: A distribution site for a food bank that is managed by a non-profit that distributes free food at least once a week on a publicly advertised schedule
- 3) Medical clinic: a medical clinic that accepts Medi-Cal payments or has an equally comprehensive subsidy program for low-income patients
- 4) Licensed childcare facility: infant center, school age childcare center, childcare center, childcare center preschool, family childcare home (small), family childcare home (large) as licensed by the Department of Social Services.
- 5) Pharmacy
- 6) Public Park: An open space accessible by the general public managed by a public agency. A public park shall not include 1) school grounds unless there is a bona fide, formal joint use agreement between the jurisdiction responsible for the parks/recreational facilities and the school district or private school providing availability to the general public of the school grounds and/or facilities, 2) greenbelts or pocket parks, or 3) open space preserves or biking parkways unless there is a trailhead or designated access point within the specified distance.
- 7) Community or Recreation Center accessible to the general public and managed by a public agency
- 8) Public library: must be a book-lending public library that also allows for inter-branch lending (when in a multi-branch system)
- 9) Public elementary, middle, high school (which includes public charter schools as indicated by the California Department of Education) and non-profit university or non-profit junior college
- 10) Bank or credit union: Must include on-site staff
- 11) Post Office: United States Postal Service (USPS) Post Office location as indicated by the USPS Locator tool

“Lane Mile” means the total length of roadway or bikeway taking number of lanes into account. For scoring, consistency and reporting purposes, applicants are required to describe all bikeways and busways using lane miles. As an example, a project that installs a bikeway in only one direction along one mile of roadway would be considered having installed one lane mile. If the bikeway is bidirectional or on both sides of the roadway for one mile, the project would be considered having installed two lane miles (one mile each way).

“Locality” means a California city, unincorporated area within a county, or a city and county.

“Lower Income” has the meaning set forth in Health and Safety Code Section 50079.5, households with gross incomes not exceeding 80 percent of **Area Median Income**.

“Low-Income Community” means a census tract with either 1) median household incomes at or below 80 percent of the statewide median income, or 2) median household income at or below the threshold designated as low-income by Department of Housing and Community Development’s State Income Limits pursuant to the Health and Safety Code Section 50093. For **Tribal Entities**, if the HUD income for a county/parish located within a **Tribal Entity**’s service area is lower than the State Income Limits, the United States median income limit may be used in determining a Low-Income Community.

“Low-Income Households” mean individual households with either 1) household incomes at or below 80 percent of the statewide median income, or 2) household incomes at or below the threshold designated as low-income by Department of Housing and Community Development’s State Income Limits adopted pursuant to Health and Safety Code Section 50093.

“Mixed Use Development” means a building, combination of buildings, or building complex, designed to functionally and physically integrate non-residential uses such as retail, commercial, institutional, recreational, or community uses with residential uses, in a complementary manner.

“Moderate Income” has the meaning set forth in Health and Safety Code Section 50093.

“MHP” shall mean the Multifamily Housing Program authorized and governed by Sections 50675 through 50675.14 of the Health and Safety Code, and the MHP Guidelines dated March 30, 2022, as amended.

“Natural Infrastructure” means improvements that result in the preservation and/or restoration of ecological systems, or utilization of engineered systems that use ecological processes, to increase resiliency to climate change and/or manage other environmental problems. Some examples relative to the **AHSC Program** could include street trees and greenspace for water catchment, infiltration and surface cooling; water treatment facilities that utilize ecologically functioning wetlands; flood mitigation systems that utilize the natural floodplain and stable shorelines used in tandem with constructed flood barriers.

“Net Density” means the total number of dwelling units per acre of land to be developed for residential or mixed use, excluding allowed deductible areas. Allowed deductible areas are septic system requirements and public dedications of land which are for public streets, public sidewalks, public Open Space, and public drainage facilities. Non-allowed deductible areas include utility easements, setbacks, private drives and walkways, general landscaping, common areas and facilities, off street parking, and traditional drainage facilities exclusive to a development project. Mitigations required for development will not be included in the allowed deductible areas.

“NOFA” means a Notice of Funding Availability issued by the Department.

“Peak Hours” or “Peak Period” means the periods with the highest ridership during the entire transit service day as determined by the transit operator. Must include at least one hour during the morning commute hours and one during evening commute hours, Monday through Friday. Each Peak Period cannot be longer than three hours.

“Principal” means employees of the **Developer** who are in a position responsible for the oversight and management of development activities.

“Priority Population” means residents of: (1) census tracts identified as disadvantaged by California Environmental Protection Agency per SB 535; (2) census tracts identified as low-income per AB 1550; or (3) a low-income household per AB 1550. See the [Priority Population maps](#) for more information.

“Program Cost” means the cost(s) associated with 1) program creation, or 2) expansion of existing programs to serve new populations or offer new program service and implementation.

“Program Operator” means the entity that administers the day-to-day operational responsibilities for the program for which the **AHSC Program** funding is sought.

“Project” means the proposed use of funds representing a combination of **Capital Projects** or **Program Costs** which are proposed by the **Applicant** to be funded the **AHSC Program**.

“Project Area” means the one (1.0) mile radius from a single point inside the parcel of the **AHD**. The point may be chosen anywhere inside of the **AHD** parcel and should be used and referenced consistently through all application materials, in mapping and calculation of distances. If a **Project** is a **Scattered Site Project**, then the applicant may choose which parcel they wish to use.

“Project Area Type” means one of the three categories of **Projects** funded by the **AHSC Program**. Project Area Types are decided based on two main factors: The **AHD** proximity to **High Quality Transit** or **Qualifying Transit** and if the **AHD Project** is located in a **Rural Area**. **Project Area Types** are used to improve distribution of funds to a diverse type of communities throughout California.

“Public Agency” means a **Locality**, transit agency, public housing authority or redevelopment successor agency.

“Qualifying Transit” means a transit line serving the public that includes various forms of fixed transit service (Rail Service and Bus Service) and Flexible Transit Service. A Qualifying Transit line requires service that departs two (2) or more times on the same route during Peak Hours as defined by the transit operator. This level of service must have occurred regularly at some point between January 2022 and the time of application.

**Flexible Transit Service** is exempt from these **Peak Hours** frequency requirements. The Transit service must be operated by the following:

- 1) Directly operated by a public entity;
- 2) Operated by a public entity via a contract for purchased transportation service with a private or non-profit provider; or
- 3) Operated by a private or non-profit entity as a grant Recipient or sub-recipient from a public entity

“Rail Service” means regularly scheduled public transit service running on rails or railways.

“Recipient” means the eligible **applicant** receiving a commitment of **AHSC Program** funds.

“Regulatory Agreement” as set forth by UMR 8301(o).

“Restricted Units” as set forth by UMR 8301(q) for rental **Affordable Housing Developments** or the same as “Affordable Unit” for homeownership **Affordable Housing Developments**.

“Remaining Funds” means the funds available for **Project** awards after the **Project Area Type** Targets are met. These funds are to be used primarily for funding projects to achieve the statutory and **Council**-identified priorities of Geographic and **Tribal Entity** Targets.

“Rural Area” means the definition in [Health and Safety Code 50199.21](#)

“Rural Innovation Project Area (RIPA)” means a **Project** that meets the definition of **Integrated Connectivity Project** and is located within a **Rural Area**.

“Safe and Accessible Walkway” means a pedestrian corridor that meets or exceeds accessibility design standards in Caltrans Design Information Bulletin (DIB) 82-06.

“Scattered Site” means an **AHD Project** in which the parcels of land are not contiguous except for the interposition of a road, street, stream or similar interposition.

- 1) For acquisition and/or rehabilitation projects with one pre-existing project-based Section 8 contract in effect for all the sites, there shall be no limit on the number or proximity of sites.
- 2) For acquisition and/or rehabilitation projects with any of the following:
  - a. Existing federal or state rental assistance or operating subsidies,
  - b. An existing CTCAC Regulatory Agreement, or
  - c. An existing regulatory agreement with a federal, state, or local public entity, the number of sites shall be limited to five, unless the Executive

Director approves a higher number, and all sites shall be either within the boundaries of the same city, within a 10-mile diameter circle in the same county, or within the same county if no location is within a city having a population of five-hundred thousand (500,000) or more.

- 3) For new construction projects and all other acquisition and/or rehabilitation projects, the number of sites shall be limited to five, and all sites shall be within a one (1.0) mile diameter circle within the same county.

“Secure Overnight Bicycle Parking” means bicycle parking that is not accessible to the general public, is completely enclosed and protects the bicycle from inclement weather and allows for the bicycle frame to be secured to the bicycle rack at two points. Examples of Secure Overnight Bicycle Parking include bicycle rooms, bicycle lockers, and bicycle cages.

“Site Control” means the applicant or Developer has control of property as set forth in UMR Sections 8303 and 8316 through one or more of the following:

- 1) Fee title;
- 2) A leasehold interest on the property with provisions that enable the lessee to make improvements on and encumber the property provided that the terms and conditions of any proposed lease shall permit, prior to grant funding, compliance with all AHSC Program requirements. Where site control will be satisfied by a long-term ground lease, the Department will require the execution and recordation of the Department’s form lease rider, which shall be entered into by and among the ground lessor, the ground lessee, the Department, and any other applicable parties. In all cases, the lease rider shall be recorded against the fee interest in the Project property;
- 3) An enforceable option to purchase or lease which shall extend through the anticipated date of the Program award as specified in the NOFA;
- 4) An executed disposition and development agreement, right of way, or irrevocable offer of dedication to a public agency;
- 5) An executed encroachment permit for construction of improvements or facilities within the public right of way or on public land;
- 6) An executed agreement with a public agency that gives the applicant exclusive rights to negotiate with the agency for the acquisition of the site; provided that the major terms of the acquisition have been agreed to by all parties; or
- 7) A land sales contract or enforceable agreement for acquisition of the property.

“Smoke Free Housing” means an Affordable Housing Development that implements a policy banning the ignition and burning of tobacco products (including, but not limited to, cigarettes, cigars, pipes, and water pipes or hookahs) in all living units, indoor common areas, and all other interior spaces. The smoke-free policy must also extend to all outdoor areas within 25 feet of occupied buildings on the **AHD** property.

“Substantial Rehabilitation” means a Housing Development with reasonable direct rehabilitation construction contract costs of at least \$35,000 per residential unit. Rehabilitation shall include energy efficiency upgrades per residential units. Rehabilitation projects must fully and efficiently address all the physical needs of the

**Project** for the term of the project loan and therefore merely meeting the minimum threshold cost amount of \$35,000 per residential unit may not, in and of itself, be sufficient to be considered Substantial Rehabilitation for purposes of the project loan.

“Sustainable Transportation Infrastructure” means capital project(s) that result in the improvement or addition of infrastructure that encourages mode-shift from single-occupancy vehicles by enhancing: 1) public transit service, 2) pedestrian networks, or 3) bicycle networks (includes public bike-share programs) as well as transit operations expenditures that directly support transit expansion, within the defined Project Area meeting the transit requirements detailed in Section 102 (c) or (d).

“TCAC” shall mean the California Tax Credit Allocation Committee and the California Tax Credit Allocation Committee Regulations, Title 4 **CCR**, Division 17, Chapter 1, as adopted July 20, 2022.

“Transit Oriented Development (TOD) Project Area” means a **Project Area** which includes at least one (1) Transit Station/Stop that is served by **High Quality Transit**.

“Transit Signal Priority (TSP)” means an operational strategy that facilitates the movement of transit vehicles through traffic-signal controlled intersections. Objectives of TSP include meeting on time schedule performance and improved transit travel time efficiency while minimizing impacts to normal traffic operations. TSP is made up of four components: (1) a detection system that lets the TSP system where the vehicle requesting signal priority is located. The detection system communicates with a (2) priority request generator that alerts the traffic control system that the vehicle would like to receive priority. (3) Priority control strategies; and 4) System management software collecting data and generating reports.

“Transit Station/Stop” means a designated location at which the various **Qualifying Transit** service(s) drop-off and pick-up riders.

“Transportation Demand Management” (TDM) means strategies that increase transportation system efficiency by encouraging shifting from single-occupant vehicle (SOV) trips to non-SOV transportation modes or shifting SOV trips off peak travel periods. Effective TDM strategies result in reduction of vehicle miles traveled (VMT) by increasing travel options, providing incentives and information to incentivize individuals and employers to modify their travel behavior to support these objectives, and/or by reducing the need to travel or reducing travel distance via location efficient development patterns. TDM strategies encourage travel by transit, bike, walking or in shared vehicles.

“Transportation Related Amenities” means capital improvements that are publicly accessible and provide supportive amenities to pedestrians, cyclists and transit riders (e.g., bike parking, bus shelter, benches, street trees, etc.) within the defined Project Area meeting the transit requirements detailed in Section 102 (c) or (d). TRA improvements encourage the use of the transit or active transportation activity.

“Tribal Entity” means: Tribe or a tribally designated housing entity. An Applicant that is any of the following:

- 1) An Indian Tribe as defined under USC Section 4103(13)(B) of Title 25
- 2) A Tribally Designated Housing Entity under 25 USC 4103(22)
- 3) If not a federally recognized tribe as identified above, either:
  - a. Listed in the Bureau of Indian Affairs Office of Federal Acknowledgement Petitioner List, pursuant to CFR Section 83.1 of Title 25; or
  - b. Indian Tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purpose of consultation pursuant to GC Section 65352.3

"Urban Forestry" means the cultivation and management of native or introduced trees and related vegetation in urban areas for their present and potential contribution to the economic, physiological, sociological, and ecological well-being of urban society.

"Urban Forest" means those native or introduced trees and related vegetation in the urban and near-urban areas, including, but not limited to urban watersheds, soils and related habitats, street trees, park trees, residential trees, natural riparian habitats, and trees on other private and public properties.

“Urban Greening” means the incorporation of greenscaped pedestrian and bicycle trail systems, **Urban Forestry**, urban street canopy, green alleys, drought tolerant and native species landscaping and landscape restoration, green roofing, community gardens, **Natural Infrastructure** and stormwater features into public open spaces. Public open space must offer reasonable hours of use for the public, such as dawn to dusk. Community gardens where residents grow edible plants do not have to be publicly accessible as long as they are available to residents of the **Affordable Housing Development**.

“Urban Uses” means any residential, commercial, industrial, transit, transportation passenger facility, or retail use, or any combination of those uses. Urban uses do not include lands used for agricultural uses or parcels in excess of 15,000 square feet in size and containing only one single-family residence.

“Very-Low Income” has the meaning set forth in Health and Safety Code Section 50105, households with gross incomes not exceeding 50 percent of Area Median Income.

“Water Efficiency” means controlling water at the source through design—both rainfall and storm water runoff through a decentralized system that distributes storm water across a project site to replenish groundwater supplies.

“Zero Emission Vehicle (ZEV)” means a motor vehicle equipped with clean technologies consistent with the State of California’s zero emission vehicle regulations and standards, including battery-electric vehicles (BEVs), hydrogen fuel cell electric vehicles (FCEVs), and plug-in hybrid electric vehicles (PHEVs).

## Appendix B. Tribal Eligibility

**A Tribal Entity** may qualify for AHSC funds if their **Project** meets the following requirements:

- (a) Projects are located in **Indian country**, or located on a parcel owned by a **Tribal Entity** in fee or held in trust for the benefit of a **Tribal Entity** within the state of California, and;
- (b) The applicant meets the conditions of award funding to the extent applicable, and subject to any modifications or waivers as provided for by AB1010 (2019) (HSC Section 50406, subdivision (p)) that shall be set forth in a Standard Agreement. It is noted that these same conditions do not need to be satisfied initially to engage in the competitive award process:
  - (1) **BIA Consent.** The Bureau of Indian Affairs (BIA) has consented to the applicant's execution and recordation (as applicable) of all **Department**-required documents that are subject to 25 CFR sec. 152.34, 25 CFR sec. 162.012, or 25 CFR sec. 162.388, et seq., prior to award disbursement. This requirement shall not apply to projects that are located on fee land not subject to a restriction by the United States against alienation.
  - (2) **Personal and Subject Matter Jurisdiction.** Personal and subject matter jurisdiction in regard to the Standard Agreement, Project, or any matters arising from either of them is in state court and the **Department** has received any legal instruments or waivers, all duly approved and executed, as are or may be legally necessary and effective to provide for such personal and subject matter jurisdiction in state court.
  - (3) **Title Insurance.** The **Department** has received title insurance for the property underlying the **Project** satisfactory to the **Department**. Notwithstanding the foregoing sentence, upon a showing of good cause, for **Applicants** unable to provide a conventional title insurance policy satisfactory to the **Department**, this condition may be satisfied by a title status report issued by the BIA Land Title and Records Office and pursuant to a title opinion letter issued for the benefit of the **Department** but paid for by the **Applicant**.
  - (4) **Recordation Requirements.** Where recordation of instruments is a condition of award funding or otherwise required under or pursuant to the Standard Agreement, the subject instrument is recorded if recorded with the Land Titles and Records Office at the BIA or in the appropriate official records of the County in which the **Project** is located, as may be applicable.
  - (5) **Fee Security Required.** For all **Projects**, except those located on trust or restricted land within **Indian country**, fee security shall be required, unless the terms allowing leasehold security are satisfied as set forth in Title 25 **CCR** 8316. If a **Department** loan/grant is recorded on fee land then there must be a restriction preventing that land being put into trust until the **Department** loan/grant term is complete.

- (6) Minimum Requirements for Sovereign Immunity Waivers. Sovereign immunity waiver language shall be included in the Department Standard Agreement, and all Department regulatory and loan or grant agreements, all of which may be accomplished by incorporating by reference a separately executed sovereign immunity waiver instrument. The **Recipient** shall also provide or obtain a separate limited waiver of sovereign immunity instruments for both personal and subject matter jurisdictions which shall require, at a minimum, compliance with State construction standards and regulations or with respect to tribal housing Projects in Indian Country, compliance with tribal construction standards and regulations that are at least as stringent as State construction standards and regulations, subject to the Department's review and satisfaction

## Appendix C. Awardee Publicity Guidelines

**Recipients** are required to acknowledge SGC, HCD, and California Climate Investments (CCI) in all publications, websites, signage, invitations, and other media-related and public-outreach products related to the **AHSC Project**. Guidance on CCI logo usage, signage, and logo files contained in the Style Guide are available at:

[www.caclimateinvestments.ca.gov/logo-graphics-request](http://www.caclimateinvestments.ca.gov/logo-graphics-request). SGC and HCD staff will provide their respective logo files and guidance on their usage directly to **Recipients**.

(a) Long-form written materials, such as reports, must include the following standard language about SGC, HCD, AHSC, and CCI:

- (1) “The Affordable Housing and Sustainable Communities (AHSC) Program builds healthier communities and protects the environment by increasing the supply of affordable places to live near jobs, stores, transit, and other daily needs. This program is administered by Strategic Growth Council (SGC), which coordinates the activities of State agencies and partners with stakeholders to promote sustainability, economic prosperity, and quality of life for all Californians ([www.sgc.ca.gov](http://www.sgc.ca.gov)) and implemented by the Department of Housing and Community Development (HCD).

The AHSC Program is part of CCI, a statewide program that puts billions of Cap-and-Trade dollars to work reducing GHG emissions, strengthening the economy, and improving public health and the environment – particularly in disadvantaged communities. The Cap-and-Trade program also creates a financial incentive for industries to invest in clean technologies and develop innovative ways to reduce pollution. California Climate Investments projects include affordable housing, renewable energy, public transportation, zero emission vehicles (ZEV), environmental restoration, more sustainable agriculture, recycling, and much more. Find out more about the program at: [www.caclimateinvestments.ca.gov](http://www.caclimateinvestments.ca.gov).”

(b) Any informational materials that do not qualify as long-form, but that include at least a paragraph of text, such as press releases, media advisories, short case studies, some flyers, etc., should include the following language:

- (1) Long version: “[Project Name] is supported by California Strategic Growth Council’s Affordable Housing and Sustainable Communities program with funds from [California Climate Investments](http://www.caclimateinvestments.ca.gov), a statewide initiative that puts billions of Cap-and-Trade dollars to work reducing greenhouse gas emissions, strengthening the economy, and improving public health and the environment – particularly in disadvantaged communities.”

- (2) Short version: “[Project Name] is supported by California Strategic Growth Council’s Affordable Housing and Sustainable Communities program with funds from [California Climate Investments](http://www.caclimateinvestments.ca.gov)—Cap-and-Trade Dollars at Work”

(c) **Recipients** may at times produce promotional materials that are primarily visual in nature, such as banners, signage, certain flyers, and sharable images for social media. In such cases, when including the boilerplate language acknowledging CCI and SGC support is not practical, grantees should instead include the official logos of both SGC and CCI, preceded by the words “Funded by.”

- (d) **Recipients** are required to identify a point of contact for all press inquiries and communications needs related to the project and provide the name, phone number and email address of this individual to SGC. **Recipients** must also distribute a press release after grant decisions are made at SGC's Public Council Meeting and are encouraged to do so for other major milestones throughout the lifecycle of the grant. All press releases must be approved by SGC Communications Office prior to distribution and SGC must be alerted and invited to participate in any and all press conferences related to the award by emailing [ASHC@sgc.ca.gov](mailto:ASHC@sgc.ca.gov).
- (e) **Recipients** are required to prepare one or more two-to-four-page documents that provide a summary of the Project components and tell the story of the AHSC proposal development process and/or implementation. All such materials must be approved by SGC Communications Office prior to distribution. These materials will be displayed on SGC website.
- (f) **Applicants** and **Recipients** are encouraged to use social media to share the process of creating an AHSC proposal and to inform the throughout implementation. @CalSGC, @California\_HCD, and @CAClimateInvest should be tagged on all posts related to the AHSC grant. Use of the hashtags #AHSC, #AffordableHousing, and #SustainableCommunities is encouraged.

FILE NO. 050184

ORDINANCE NO. 124-05

1 [Adopting the Redevelopment Plan for the Transbay Redevelopment Project.]

2  
3 **Ordinance approving and adopting the Redevelopment Plan for the Transbay**  
4 **Redevelopment Project area; adopting findings pursuant to the California**  
5 **Environmental Quality Act; adopting findings that the Redevelopment Plan and related**  
6 **documents and agreements (including a Tax Increment Allocation and Sales Proceeds**  
7 **Pledge Agreement and an Option Agreement with the Redevelopment Agency of the**  
8 **City and County of San Francisco and the Transbay Joint Powers Authority) are is**  
9 **consistent with the City's General Plan and Eight Priority Policies of City Planning**  
10 **Code Section 101.1; adopting other findings pursuant to the California Community**  
11 **Redevelopment Law, including findings pursuant to Sections 33445 and 33679;**  
12 **authorizing official acts (including the execution of agreements) in furtherance of this**  
13 **ordinance.**

14  
15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. FINDINGS. The Board of Supervisors of the City and County of  
17 San Francisco hereby finds, determines and declares, based on the record before it, including  
18 but not limited to information contained in the Report on the Redevelopment Plan, that:

19 A. The Redevelopment Agency of the City and County of San Francisco (the  
20 "Agency") has prepared a proposed Redevelopment Plan for the Transbay Redevelopment  
21 Project (the "Redevelopment Plan").

22 B. The proposed Redevelopment Plan would establish a redevelopment project  
23 area for an approximately 40-acre area generally bounded by Mission Street in the north,  
24 Main Street in the east, Folsom Street in the south, and Second Street in the west (the  
25 "Project Area"). The Redevelopment Plan is being proposed to: 1) redevelop over 12 acres of

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1 vacant land as high-density, transit-oriented residential projects; 2) construct approximately  
2 3,400 housing units of which approximately 1,200 would be affordable to very low- to  
3 moderate-income households; 3) enforce Development Controls and Design Guidelines to  
4 ensure new development provides a high-quality, livable community; 4) create streetscape  
5 and public open space improvements throughout the new project area; and 5) provide funding  
6 toward the construction of a new Transbay Terminal and Caltrain Downtown Extension (the  
7 "Transbay Terminal Project").

8 C. Pursuant to Section 33352 of the California Community Redevelopment Law  
9 (Health and Safety Code Sections 33000 et seq., the "Community Redevelopment Law"), the  
10 Agency has prepared a Report on the Redevelopment Plan (the "Report on the  
11 Redevelopment Plan"). The Report on the Redevelopment Plan has been made available to  
12 the public before the date of the hearing on this Ordinance approving the Redevelopment  
13 Plan.

14 D. The Redevelopment Agency has transmitted to this Board of Supervisors  
15 certified copies of its (i) Resolution No. 19-2005, adopted following a duly noticed public  
16 hearing held on January 25, 2005, attaching its report to the Board of Supervisors and  
17 recommending the adoption of the Redevelopment Plan for the Transbay Redevelopment  
18 Project Area, and (ii) Resolution No. 95-2005, adopted following a duly noticed public hearing  
19 held on June 7, 2005, making certain changes to the Redevelopment Plan proposed by this  
20 Board of Supervisors. Copies of the Redevelopment Plan (as originally adopted by Agency  
21 Resolution No. 19-2005 and subsequently modified by Agency Resolution 95-2005), the  
22 Agency's Resolution Nos. 19-2005 and 95-2005, and of the Agency's Report on the  
23 Redevelopment Plan are on file with the Clerk of the Board of Supervisors in File  
24 No. 050184, and are incorporated herein by reference as though fully set forth.

25  
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1 E. Pursuant to Sections 33220, 33343, 33344 and 33370 of the California Health  
2 and Safety Code, and in order to promote development in accordance with objectives and  
3 purposes of the Redevelopment Plan and documents relating to the Redevelopment Plan, the  
4 City intends to aid and cooperate with the Agency to undertake and complete proceedings  
5 and actions necessary to be carried out by the City under the provisions of the  
6 Redevelopment Plan and provide for the expenditure of monies by the community in carrying  
7 out the Redevelopment Plan.

8 F. On December 9, 2004, at a duly noticed public hearing, the Planning  
9 Commission, adopted Resolution No. 16906 and Motion No. 16907, which found that the  
10 Redevelopment Plan was consistent with the General Plan as proposed for amendment and  
11 in conformity with the Priority Policies of Section 101.1 of the Planning Code and  
12 recommended the adoption of the Redevelopment Plan to this Board of Supervisors. On  
13 June 2, 2005, at a duly noticed public hearing, the Planning Commission adopted Resolution  
14 No. 17028, which found the Redevelopment Plan amendments adopted by Agency Resolution  
15 No. 95-2005 were consistent with the General Plan as proposed for amendment and in  
16 conformity with the priority policies of Planning Code Section 101.1. A copy of the Planning  
17 Commission Resolutions and Motion are on file with the Clerk of the Board of Supervisors in  
18 File No. 050184 and are incorporated herein by reference as though fully set forth. This  
19 Board, for the reasons specified in the aforementioned Resolution and Motion, adopts as its  
20 own the findings of the Planning Commission that the Redevelopment Plan is consistent with  
21 the General Plan and in conformity with Planning Code Section 101.1.

22 G. On September 28, 2004, this Board, in Resolution No. 612-04 adopted findings  
23 that various actions related to the Transbay Terminal Project were in compliance with the  
24 California Environmental Quality Act (California Public Resources Code Sections 21000 et  
25

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1 seq.). Said findings, including all documents related thereto, are on file with the Clerk of the  
2 Board of Supervisors in File No. 041079 and are incorporated herein by reference. Said  
3 findings remain valid for the actions contemplated in this Ordinance and are made part of this  
4 Ordinance by reference herein. Said findings also are supplemented by the environmental  
5 findings that the Planning Commission adopted on December 9, 2004, in Motion No. 16905  
6 regarding the Redevelopment Plan. The Planning Commission Motion is on file with the Clerk  
7 of the Board in File No. 050184 and is incorporated herein by reference as though fully set  
8 forth herein.

9 H. In accordance with California Public Resources Code section 21168.9(b) and  
10 the California Superior Court order in Myers Natoma Venture v. City and County of San  
11 Francisco, et al (Case No. CPF 04-504363), the Board is proceeding with the actions  
12 contemplated in this Ordinance solely for the purposes of establishing a base year for tax  
13 increment financing for the Transbay Redevelopment Plan. A copy of said order is on file with  
14 the Clerk of the Board in File No. \_\_\_\_\_ and is incorporated herein by reference. In  
15 furtherance of these actions only, the Board, to the extent compliance with the California  
16 Environmental Quality Act is necessary, is relying on the environmental findings and related  
17 documents and materials as described above in subsection (G). The Board further  
18 determines that said findings remain valid for the actions contemplated in this Ordinance.

19 I. On \_\_\_\_\_, 2005, the Board of Supervisors held a duly noticed public  
20 hearing on the Redevelopment Plan. The hearing was continued to June 14, 2005, and has  
21 been closed. Notice of such hearing was published in accordance with Section 33361 of the  
22 California Health and Safety Code, in the San Francisco-Independent Chronicle, a newspaper  
23 of general circulation, printed, published and distributed in the City and County of  
24 San Francisco describing the boundaries of the proposed Project Area and stating the day,  
25

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1 hour and place when and where any interested persons may appear before the Board of  
2 Supervisors to object to the Redevelopment Plan. At such hearing and on June 14, 2005, the  
3 date to which to the hearing was continued, the Board considered the report and  
4 recommendations of the Agency and the Planning Commission, the Final Environmental  
5 Impact Report for the Redevelopment Plan, and all evidence and testimony for and against  
6 the proposed Redevelopment Plan. The Board hereby adopts written findings to the extent  
7 required by the Community Redevelopment Law as set forth in this Ordinance.

8 IJ. Pursuant to Sections 33205 and 33128 of the Community Redevelopment Law,  
9 the Agency may delegate to the City's Planning Department certain administration of the  
10 development controls over the Project Area set forth in the Redevelopment Plan. Consistent  
11 with this authority, on January 25, 2005, the Agency's Commission, pursuant to Resolution  
12 No. 16-2005, approved a Project Delegation Agreement with the City's Planning Department,  
13 and on January 27, 2005, the City's Planning Department's Commission, pursuant to  
14 Resolution No. 16934, approved the Delegation Agreement.

15 ~~\_\_\_\_\_J.\_\_\_\_\_ Pursuant to a Cooperative Agreement dated \_\_\_\_\_, 2002 (the~~  
16 ~~"Cooperative Agreement"), amongst the State of California acting by and through its~~  
17 ~~Department of Transportation (the "State"), the City, and the Transbay Joint Powers Authority~~  
18 ~~(the "TJPA"), the State is assisting local and regional authorities in their efforts to construct~~  
19 ~~the Transbay Terminal Project by transferring specified State-Owned Parcels to the City and~~  
20 ~~the TJPA. The Cooperative Agreement requires, among other things, that all gross sales~~  
21 ~~proceeds and a portion of tax increment from the State-Owned Parcels be paid to the TJPA~~  
22 ~~for the construction of the Transbay Terminal Project. In order to facilitate the sale and~~  
23 ~~development of those State-Owned Parcels that are not needed for the Transbay Terminal~~  
24 ~~Project, the City and the TJPA propose to enter into an Option Agreement (the "Option~~  
25

1 Agreement") with the Agency to allow the Agency to acquire such State-Owned Parcels for  
2 disposition and development in accordance with the Redevelopment Plan. In order to comply  
3 with the requirement that all gross sales proceeds and a portion of tax increments from such  
4 State-Owned Parcels are paid to the TJPA for the construction of the Transbay Terminal, the  
5 City and the TJPA propose to enter into a Tax Increment Allocation and Sales Proceeds  
6 Pledge Agreement (the "Pledge Agreement"). A copy of the Cooperative Agreement, the form  
7 of the Option Agreement, and the form of the Pledge Agreement are on file with the Clerk of  
8 the Board of Supervisors in File No. \_\_\_\_\_, and each agreement is incorporated herein  
9 by reference as if fully set forth.

10 ~~K.~~ On February \_\_\_\_, 2005, the Planning Department issued a letter finding that the  
11 real property transactions contemplated in the aforementioned Option Agreement are  
12 consistent with the General Plan as proposed for amendment and in conformity with the  
13 Priority Policies of Section 101.1 of the Planning Code. A copy of the Planning Department  
14 letter is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is  
15 incorporated herein by reference as though fully set forth. This Board, for the reasons  
16 specified in the aforementioned letter, adopts as its own the findings of the Planning  
17 Department that said transactions are consistent with the General Plan and in conformity with  
18 Planning Code Section 101.1.

19 Section 2. PURPOSES AND INTENT. The purposes and intent of the Board of  
20 Supervisors with respect to this Ordinance are to adopt the Redevelopment Plan, as  
21 amended, in accordance with the Community Redevelopment Law and to achieve the  
22 objectives for redevelopment of the Project Area specified in the Redevelopment Plan.

23 Section 3. By this reference, the Redevelopment Plan, as amended, a copy of which  
24 is on file with the Clerk of the Board of Supervisors under File No. 050184, is  
25

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1 incorporated in and made a part of this Ordinance with the same force and effect as though  
2 set forth fully herein.

3 Section 4. FURTHER FINDINGS AND DETERMINATIONS UNDER THE  
4 COMMUNITY REDEVELOPMENT LAW. The Board of Supervisors hereby further finds,  
5 determines and declares, based on the record before it, including but not limited to information  
6 contained in the Report on the Redevelopment Plan, that:

7 A. The Project Area, which is the subject of the Redevelopment Plan, is a blighted  
8 area (as described in the Report on the Plan), the redevelopment of which is necessary to  
9 effectuate the public purposes declared in the Community Redevelopment Law.

10 B. The Redevelopment Plan will redevelop the Project Area as set forth in the  
11 Report on the Redevelopment Plan in conformity with the Community Redevelopment Law  
12 and is in the interests of the public peace, health, safety, and welfare.

13 C. The adoption and carrying out of the Redevelopment Plan is economically  
14 sound and feasible as described in the Report on the Redevelopment Plan.

15 D. For the reasons set forth in Section 1F of this Ordinance, the Redevelopment  
16 Plan, once effective, will be consistent with the General Plan of the City and County of  
17 San Francisco, as amended, including, but not limited to, the housing element of the General  
18 Plan, which substantially complies with the requirements of Article 10.6 (commencing with  
19 Section 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code and  
20 other applicable requirements of law, and is consistent with the eight Priority Policies in City  
21 Planning Code Section 101.1.

22 E. The carrying out of the Redevelopment Plan will promote the public peace,  
23 health, safety and welfare of the community and effectuate the purposes and policies of the  
24  
25

1 Community Redevelopment Law as generally described in the Report on the Redevelopment  
2 Plan.

3 F. The condemnation of real property, to the extent provided for in the  
4 Redevelopment Plan may be necessary for the execution of the Redevelopment Plan. Some  
5 residential property may be the subject of eminent domain actions, but a substantial number  
6 of low- or moderate-income persons do not reside in the Project Area. Adequate provisions  
7 have been made for payment for property to be so acquired as provided by law.

8 G. There are no public projects identified in the Redevelopment Plan that will  
9 displace a substantial number of low- or moderate-income persons. The Agency has a  
10 feasible method or plan for the relocation of families and persons displaced from the Project  
11 Area, if the Redevelopment Plan results in the temporary or permanent displacement of any  
12 occupants of housing facilities in the Project Area.

13 H. There are, or shall be provided, in the Project Area or in other areas not  
14 generally less desirable in regard to public utilities and public and commercial facilities and at  
15 rents or prices within the financial means of the families and persons displaced from the  
16 Project Area, decent, safe, and sanitary dwellings equal in number to the number of and  
17 available to the displaced families and persons and reasonably accessible to their places of  
18 employment.

19 I. Families and persons shall not be displaced prior to the adoption of a relocation  
20 plan pursuant to Sections 33411 and 33411.1 of the California Health and Safety Code.  
21 Dwelling units housing persons and families of low or moderate income shall not be removed  
22 or destroyed prior to the adoption of a replacement housing plan pursuant to  
23 Sections 33334.5, 33413, and 33413.5 of the California Health and Safety Code.

24 J. There are no non-contiguous areas in the Project Area.  
25

1 k. The Project Area includes lands, buildings and improvements which are not  
2 individually detrimental to the public health, safety or welfare but which are necessary for the  
3 effective redevelopment of the Project Area. All areas included in the Project Area are  
4 necessary for effective redevelopment of the Project Area, and no areas in the Project Area  
5 are included solely for the purpose of obtaining an allocation of tax increment revenues from  
6 the Project Area pursuant Section 33670 of the California Health and Safety Code without  
7 other substantial justification for its inclusion.

8 L. The elimination of blight and the redevelopment of the Project Area could not  
9 reasonably be expected to be accomplished by private enterprise acting alone without the aid  
10 and assistance of the Agency.

11 M. The Project Area is predominantly urbanized, as defined by California Health  
12 and Safety Code Section 33320.1(b).

13 N. The time limitation and the limitation on the number of dollars to be allocated to  
14 the Agency that are contained in the Redevelopment Plan are reasonably related to the  
15 proposed projects to be implemented in the Project Area and to the ability of the Agency to  
16 eliminate blight within the Project Area.

17 O. This Board of Supervisors is satisfied that permanent housing facilities will be  
18 available within three (3) years from the time occupants of the Project Area are displaced and  
19 that, pending the development of the facilities, there will be available to the displaced  
20 occupants adequate temporary housing facilities at rents comparable to those in the  
21 community at the time of their displacement.

22 ~~P. Pursuant to Sections 33445 and 33679 of the California Health and Safety~~  
23 ~~Code, and as further detailed in the Report on the Redevelopment Plan: (1) the estimated~~  
24 ~~Agency obligation for the tax increment revenue dedicated to the Transbay Terminal Project is~~  
25

1 ~~\$178.2 million (in constant FY 2004/05 dollars); (2) the Transbay Terminal Project is of benefit~~  
2 ~~to the Project Area; (3) no other reasonable means of financing the construction of the~~  
3 ~~Transbay Terminal Project is available; and (4) the use of Agency funds to construct the~~  
4 ~~Transbay Terminal Project will assist in the elimination of blighting conditions in the Project~~  
5 ~~Area, specifically, the elimination of a dilapidated terminal building which will be replaced by~~  
6 ~~the Transbay Terminal Project. The Transbay Terminal Project will help to revitalize the~~  
7 ~~Project Area and stimulate private investment. The Transbay Terminal Project is a public~~  
8 ~~benefit and a central part of the Redevelopment Plan.~~

9           Section 5. Pursuant to Section 33365 of the California Health and Safety Code, the  
10 Board of Supervisors hereby approves and adopts the Redevelopment Plan, as amended, as  
11 the official Redevelopment Plan for the Project Area.

12           Section 6. The Clerk of the Board of Supervisors shall without delay (1) transmit a  
13 copy of this Ordinance to the Agency pursuant to California Health and Safety Code  
14 Section 33372, ~~whereupon the Agency shall be vested with the responsibility for carrying out~~  
15 ~~the Redevelopment Plan~~, (2) record or ensure that the Agency records a description of the  
16 Project Area and a certified copy of this Ordinance pursuant to California Health and Safety  
17 Sections 33373, and (3) transmit, by certified mail, return receipt requested, a copy of this  
18 Ordinance, together with a copy of the Redevelopment Plan, which contains a legal  
19 description of the Project Area and a map indicating the boundaries of the Project Area, to the  
20 Controller, the Tax Assessor, the State Board of Equalization and the governing body of all  
21 taxing agencies in the Project Area pursuant to California Health and Safety Code  
22 Sections 33375 and 33670.

23           Section 7. In accordance with Sections 33220, 33343, 33344 and 33370 of the  
24 Community Redevelopment Law, the Board of Supervisors declares its intent to undertake  
25

1 and complete actions and proceedings necessary to be carried out by the City under the  
2 Redevelopment Plan and related Plan Documents (as defined in the Redevelopment Plan)  
3 and authorizes and urges the Mayor and other applicable officers, commissions and  
4 employees of the City to take any and all steps as they or any of them deem necessary or  
5 appropriate, in consultation with the City Attorney, to cooperate with the Agency in the  
6 implementation of the Redevelopment Plan and to effectuate the purposes and intent of this  
7 Ordinance, such determination to be conclusively evidenced by the execution and delivery by  
8 such person or persons of any such documents. Such steps shall include, but not be limited  
9 to (i) the execution and delivery of any and all agreements, notices, consents and other  
10 instruments or documents (including, without limitation, execution by the Mayor, or the  
11 Mayor's designee, of any agreements to extend any applicable statutes of limitation) and  
12 (ii) the institution and completion of proceedings for the closing, vacating, opening,  
13 acceptance of dedication and other necessary modifications of public streets, sidewalks,  
14 street layout and other rights-of-way in the Project Area.

15 Section 8. ~~The Board of Supervisors hereby approves and the Mayor and the~~  
16 ~~Controller are hereby authorized and urged to execute the Pledge Agreement.~~

17 ~~Section 9. The Board of Supervisors hereby approves and the Director of Property is~~  
18 ~~hereby authorized and urged to execute the Option Agreement.~~

19 ~~Section 10. The Board of Supervisors authorizes and urges the Mayor, the Controller,~~  
20 ~~the Director of Property, and any other officers, agents and employees of the City to take any~~  
21 ~~and all steps (including, but not limited to, the execution and delivery of any and all~~  
22 ~~agreements, notices, consents and other instruments or documents, including, without~~  
23 ~~limitation, any agreements to extend any applicable statutes of limitation) as they or any of~~  
24 ~~them deem necessary or appropriate, in consultation with the City Attorney, in order to~~

25  
BOARD OF SUPERVISORS

1 ~~consummate the Pledge Agreement and/or the Option Agreement in accordance with this~~  
2 ~~Ordinance, or to otherwise effectuate the purpose and intent of this Ordinance, such~~  
3 ~~determination to be conclusively evidenced by the execution and delivery by such person or~~  
4 ~~persons of any such documents.~~

5 ~~Section 11.~~ The approval under this Ordinance shall take effect upon the effective  
6 date of the amendments to the General Plan approved under Board of Supervisors Ordinance  
7 No. \_\_\_\_\_, a copy of which is on file with the Clerk of the Board of Supervisors in  
8 File No. 050181 and is incorporated herein by reference as if fully set forth.

9 APPROVED AS TO FORM:  
10 DENNIS J. HERRERA, City Attorney

11 By:   
12 DONNELL W. CHOY  
13 Deputy City Attorney

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# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

**File Number:** 050184

**Date Passed:**

Ordinance approving and adopting the Redevelopment Plan for the Transbay Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.

March 29, 2005 Board of Supervisors — CONTINUED

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin  
Excused: 2 - Daly, Sandoval

April 5, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

May 10, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

June 14, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

June 14, 2005 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

June 21, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Mirkarimi, Peskin, Sandoval  
Absent: 3 - Daly, Ma, McGoldrick  
Excused: 1 - Maxwell

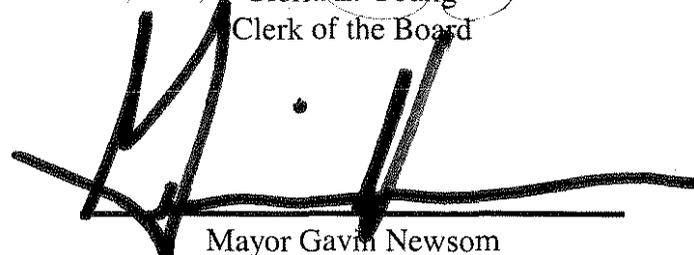
File No. 050184

I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on June 21, 2005 by  
the Board of Supervisors of the City and  
County of San Francisco.

JUN 23 2005

\_\_\_\_\_  
Date Approved

  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board

  
\_\_\_\_\_  
Mayor Gavin Newsom

1 [Transbay Redevelopment Project - Tax Increment Allocation and Sales Proceeds Pledge  
2 Agreement and an Option Agreement.]

3 **Ordinance approving a Tax Increment Allocation and Sales Proceeds Pledge**  
4 **Agreement and an Option Agreement for the Transbay Redevelopment Project Area**  
5 **between the City and County of San Francisco, the Transbay Joint Powers Authority**  
6 **and the Redevelopment Agency of the City and County of San Francisco; making**  
7 **environmental findings and findings of consistency with the City's General Plan and**  
8 **the Eight Priority Policies of City Planning Code Section 101.1; authorizing other steps**  
9 **to implement the Transbay Redevelopment Plan; and adopting other findings pursuant**  
10 **to the California Community Redevelopment Law, including findings pursuant to**  
11 **Sections 33445 and 33679.**

12 Note: Additions are single-underline italics Times New Roman;  
13 deletions are ~~strikethrough italics Times New Roman~~.  
14 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Findings.

17 (a) On June 21, 2005, this Board, in Ordinance No. 124-05 (the "Plan Ordinance"),  
18 adopted the Redevelopment Plan for the Transbay Redevelopment Project Area (the  
19 "Redevelopment Plan") solely for the purpose of establishing a base year for tax increment  
20 financing, but did not otherwise authorize the implementation of the Redevelopment Plan in  
21 accordance with the California Superior Court's order in Myers Natoma Venture, LLC v. City  
22 and County of San Francisco, et al (No. CPF 04-504-363, May 26, 2005), which had stayed  
23 implementation of the Redevelopment Plan. Said Ordinance is on file with the Clerk of the  
24 Board of Supervisors in File No. 050184 and incorporated herein by  
25 reference.

1 (b) On November 10, 2005, the California Court of Appeal, in City and County of  
2 San Francisco, et al v. The Superior Court of San Francisco County, No. A110296, reversed  
3 and vacated the above-referenced Superior Court's judgment.

4 (c) This Board may now take additional actions to allow implementation of the  
5 Redevelopment Plan adopted by the Plan Ordinance.

6 (d) The Redevelopment Plan establishes a redevelopment project area for an  
7 approximately 40-acre area generally bounded by Mission Street in the north, Main Street in  
8 the east, Folsom Street in the south, and Second Street in the west.

9 (e) The Redevelopment Plan's objectives are to: (1) redevelop over 12 acres of vacant  
10 land as high-density, transit-oriented residential projects; (2) construct approximately 3,400  
11 housing units of which approximately 1,200 would be affordable to very low- to moderate-  
12 income households; (3) implement Development Controls and Design Guidelines to ensure  
13 that new development provides a high-quality, livable community; (4) create streetscape and  
14 public open space improvements throughout the new project area; and (5) promote the  
15 construction of a new Transbay Transit Center and Caltrain Downtown Extension and access  
16 ramps (collectively, the "Project") as a multi-modal transit facility.

17 (f) In connection with the Board's adoption of the Redevelopment Plan and pursuant to  
18 Section 33352 of the California Health and Safety Code (part of the Community  
19 Redevelopment Law), the Agency prepared and submitted to the Clerk of the Board (i) a  
20 Report on the Redevelopment Plan (the "Report on the Redevelopment Plan") and (ii) a  
21 Summary of Public Benefit Findings Pursuant to California Health and Safety Code Sections  
22 33445 and 33679 (the "Summary"). The Report on the Redevelopment Plan and the  
23 Summary have been made available to the public before the date of the hearing on this  
24 Ordinance and are on file with the Clerk of the Board of Supervisors in  
25 File No. 050184 and are incorporated herein by reference.

1 (g) The City intends to aid and cooperate with the Redevelopment Agency of the City  
2 and County of San Francisco (the "Agency") to undertake and complete proceedings and  
3 actions necessary to be carried out by the City under the provisions of the Redevelopment  
4 Plan pursuant to California Health and Safety Code Sections 33220, 33343, 33344 and  
5 33370, part of the California Community Redevelopment Law.

6 (h) On July 8, 2003, this Board adopted Resolution No. 441-03, a copy of which is on  
7 file with the Clerk of the Board of Supervisors in File No. 030997 and is incorporated herein by  
8 reference, and authorized the Mayor and officers of the City to execute a Cooperative  
9 Agreement dated July 11, 2003 (the "Cooperative Agreement"), amongst the State of  
10 California acting by and through its Department of Transportation (the "State"), the City, and  
11 the Transbay Joint Powers Authority (the "TJPA").

12 (i) The Cooperative Agreement assists the local and regional authorities that are  
13 members of the TJPA in their efforts to construct the Project by transferring specified parcels  
14 owned by the State (the "State-Owned Parcels") to the City and the TJPA and also requires,  
15 among other things, that all gross sales proceeds and a portion of tax increment revenues  
16 from the State-Owned Parcels (the "Net Tax Increment" as defined in the Cooperative  
17 Agreement) are to be paid to the TJPA for the construction of the Project.

18 (j) To implement the covenants in the City's Cooperative Agreement to provide all  
19 Gross Sales Proceeds (as defined in the Cooperative Agreement) and Net Tax Increment  
20 associated with the sale and development of the State-Owned Parcels to the TJPA for the  
21 construction costs of the Project, the City, the Agency, and the TJPA propose to enter into a  
22 Tax Increment Allocation and Sales Proceeds Pledge Agreement that pledges the payment of  
23 Net Tax Increment and Gross Sales Proceeds from the sale of the State-Owned Parcels (the  
24 "Pledge Agreement"). The Pledge Agreement is on file with the Clerk of the Board of  
25 Supervisors in File No. 050184 and is incorporated herein by reference.

1 (k) In accordance with California Health and Safety Code Section 33679: (1) a  
2 notice of a public hearing has been published in the San Francisco Examiner, a newspaper of  
3 general circulation, during the two successive weeks preceding the public hearing on the  
4 proposed Tax Increment and Sales Proceeds Pledge Agreement; and (2) the Summary,  
5 which contains information justifying the use of tax increment (including (a) the estimate of  
6 tax increment revenues proposed to be used to pay for construction of the Project, (b) the  
7 facts supporting the determination required under California Health and Safety Code Section  
8 33445, and (c) the redevelopment purposes for which the tax increment revenues are being  
9 used to pay for the construction of Transbay Terminal Project) has been made available for  
10 public review at the time of the first publication of the notice of the public hearing. A copy of  
11 said notice is on file with the Clerk of the Board of Supervisors in File No. 060347  
12 and is incorporated herein by reference.

13 (l) To facilitate the sale and development of those State-Owned Parcels that are not  
14 needed for the Project, the City and the TJPA propose to enter into an Option Agreement with  
15 the Agency (the "Option Agreement") whereby the Agency will acquire such State-Owned  
16 Parcels for disposition, subject to final approval by this Board, and development consistent  
17 with the Redevelopment Plan. The Option Agreement is on file with the Clerk of the Board of  
18 Supervisors in File No. 050184 and is incorporated herein by reference.

19 (m) On December 9, 2004, the Planning Commission conducted a duly noticed public  
20 hearing on conformance of the Transbay Redevelopment Plan and related implementing  
21 documents with the General Plan. Following such hearing, the Planning Commission, in  
22 Motion No. 16907, found the Redevelopment Plan and related documents consistent  
23 with the General Plan. Said Motion is on file with the Clerk of the Board in  
24 File No. 050184 and is incorporated herein by reference.

25 Section 2. General Plan Findings.

1 The Board of Supervisors adopts, as its own, the findings in Planning Commission  
2 Motion No. 16907 that the real estate transactions authorized on the terms and conditions in  
3 the Option Agreement are (i) consistent with the General Plan and (ii) in conformity with the  
4 Priority Policies of Section 101.1 of the Planning Code.

5 Section 3. Environmental Findings.

6 (a) On September 28, 2004, this Board, in Resolution No. 612-04, adopted findings  
7 that various actions related to the Project complied with the California Environmental Quality  
8 Act (California Public Resources Code sections 21000 et seq.). Said findings and all  
9 documents and materials related to said findings are on file with the Clerk of the Board of  
10 Supervisors in File No. 041079 and are incorporated herein by reference. Said findings  
11 remain valid for the actions contemplated in this Ordinance and are made part of this  
12 Ordinance by reference herein. Said findings also are supplemented by the environmental  
13 findings that the Planning Commission, in Motion No. 16905, adopted on December 9, 2004.  
14 Said Motion is on file with the Clerk of the Board in  
15 File No. 050184 and is incorporated herein by reference.

16 (b) The Board of Supervisors finds, on the basis of substantial evidence, in light of  
17 the whole record, including the California Court of Appeal decision in Case No. A110296  
18 cited above, that (1) no substantial changes to the Transbay Redevelopment Plan and its  
19 implementation have occurred that require important revisions to the previously certified Final  
20 Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR) due to the  
21 involvement of new significant environmental effects or a substantial increase in the severity  
22 of significant environmental effects discussed in the FEIS/FEIR; (2) no substantial changes  
23 have occurred with respect to the circumstances under which the Transbay Redevelopment  
24 Plan is to be undertaken which would require major revisions to the previously certified  
25 FEIS/FEIR, and (3) no new information of substantial importance has become available since

1 the certification of the FEIS/FEIR that indicates any of the following: (a) the Transbay  
2 Redevelopment Plan will have significant effects not discussed in the FEIS/FEIR,  
3 (b) significant environmental effects will be substantially more severe than previously  
4 discussed in the FEIS/FEIR, (c) mitigation measures or alternatives previously found not  
5 feasible which would reduce one or more significant effects have become feasible, or  
6 (d) mitigation measures or alternatives which are considerably different from those in the  
7 FEIS/FEIR would substantially reduce one or more significant effects of the Transbay  
8 Redevelopment Plan on the environment.

9 Section 4. Community Redevelopment Law Findings.

10 The Board of Supervisors finds that pursuant to Sections 33445 and 33679 of the  
11 California Health and Safety Code and as further detailed in the Summary, the Report on the  
12 Redevelopment Plan, and other matters in the record before it: (1) the Project will help to  
13 revitalize the Redevelopment Plan Area and stimulate private investment; (2) the Project is a  
14 public benefit, is a central part of the Redevelopment Plan, and will particularly benefit the  
15 Redevelopment Plan Area; (3) the estimated Agency obligation for the tax increment revenue  
16 that is pledged by the proposed Tax Increment Allocation and Sales Proceeds Pledge  
17 Agreement to the Project is \$231 million (in constant FY 2005/06 dollars); (4) no other  
18 reasonable means of financing the Project is available; and (5) the use of Agency funds to  
19 construct the Project will assist in the elimination of blight in the Redevelopment Plan Area,  
20 specifically, a dilapidated terminal building, which will be replaced by the Project.

21 Section 5. Additional Actions and Approvals.

22 (a) In accordance with Sections 33220, 33343, 33344, 33370, and 33374 of the  
23 Community Redevelopment Law, the Board of Supervisors reaffirms its intent, as originally  
24 expressed in the Redevelopment Plan Ordinance, to undertake and complete actions and  
25 proceedings necessary to be carried out by the City under the Redevelopment Plan and

1 related Plan Documents (as defined in the Redevelopment Plan), including but not limited to  
2 ensuring that the Department of Building Inspection advises all applicants for building permits  
3 in the Project Area, for a period of two years after adoption of the Redevelopment Plan, that  
4 the site for which a building permit is sought is within a redevelopment project area.

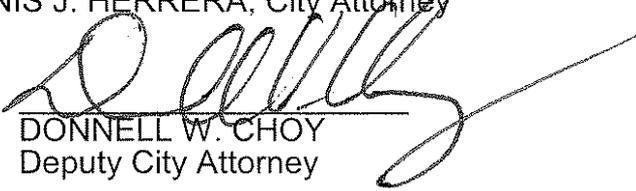
5 (b) The Board hereby adopts and approves the Tax Increment and Sales Proceeds  
6 Pledge Agreement and authorizes the Mayor and the Controller to execute said Agreement.

7 (c) The Board hereby adopts and approves the Option Agreement and authorizes the  
8 Director of Property to execute said Option Agreement.

9 (d) The Board of Supervisors also authorizes and urges the Mayor and other  
10 applicable officers, commissions, and employees of the City to take any and all steps as they  
11 or any of them deem necessary or appropriate, in consultation with the City Attorney, in order  
12 to cooperate with the Agency in the implementation of the Redevelopment Plan and to  
13 effectuate the purposes and intent of the Redevelopment Plan and this Ordinance, including,  
14 but not limited to (i) the execution and delivery of any and all agreements, notices, consents  
15 and other instruments or documents (including execution by the Mayor, or the Mayor's  
16 designee, of any agreements to extend any applicable statutes of limitation) and (ii) the  
17 institution and completion of proceedings for the closing, vacating, opening, acceptance of  
18 dedication and other necessary modifications of public streets, sidewalks, street layout and  
19 other rights-of-way in the Transbay Redevelopment Project Area.

20 (e) The Board directs the Clerk to transmit a copy of this Ordinance to the Agency,  
21 which is vested with the responsibility for carrying out the Redevelopment Plan.

22 APPROVED AS TO FORM:  
23 DENNIS J. HERRERA, City Attorney

24 By:   
25 DONNELL W. CHOY  
Deputy City Attorney



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

**File Number:** 060347

**Date Passed:**

Ordinance approving a Tax Increment Allocation and Sales Proceeds Pledge Agreement and an Option Agreement for the Transbay Redevelopment Project Area between the City and County of San Francisco, the Transbay Joint Powers Authority and the Redevelopment Agency of the City and County of San Francisco; making environmental findings and findings of consistency with the City's General Plan and the Eight Priority Policies of City Planning Code Section 101.1; authorizing other steps to implement the Transbay Redevelopment Plan; and adopting other findings pursuant to the California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33679.

May 2, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick,  
Mirkarimi, Peskin, Sandoval  
Excused: 1 - Maxwell

May 9, 2006 Board of Supervisors — FINALLY PASSED

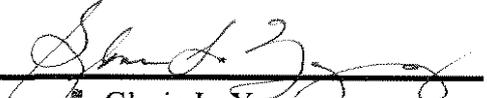
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

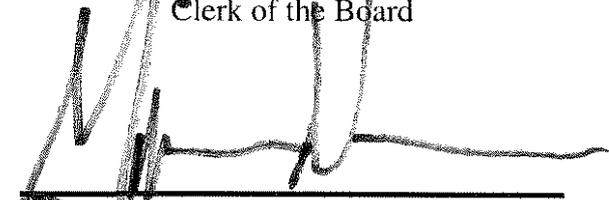
File No. 060347

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on May 9, 2006 by  
the Board of Supervisors of the City and  
County of San Francisco.

5/19/06

Date Approved

  
Gloria L. Young  
Clerk of the Board

  
Mayor Gavin Newsom

1 [Redevelopment Plan Amendment - Transbay Redevelopment Project Area]

2  
3 **Ordinance approving a minor amendment to the Redevelopment Plan for the Transbay**  
4 **Redevelopment Project Area to provide bulk limits for general office buildings in Zone**  
5 **One; and making findings under the California Environmental Quality Act, and findings**  
6 **of consistency with the General Plan, and the eight priority policies of Planning Code,**  
7 **Section 101.1.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in ~~italics Times New Roman font~~.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. **Findings.** The Board of Supervisors of the City and County of San  
17 Francisco (the "Board of Supervisors" or "Board") makes the following findings,  
18 determinations, and declarations, based on the record before it, including but not limited to,  
19 information contained in the Report to the Board of Supervisors on the Minor Amendment to  
20 the Redevelopment Plan for the Transbay Redevelopment Project Area ("Report to the  
21 Board"), dated March 31, 2015, and on file with the Clerk of the Board in File No. 150435.

22 (a) The San Francisco Redevelopment Agency approved the Redevelopment Plan for  
23 the Transbay Redevelopment Project Area (the "Redevelopment Plan") by Resolutions No.  
24 19-2005 (January 25, 2005) and No. 95-2005 (June 7, 2005). Copies of these resolutions are  
25 on file with the Clerk of the Board in File No. 050184.

1 (b) The Board of Supervisors approved the Redevelopment Plan by Ordinances No.  
2 124-05 (June 21, 2005) and No. 99-06 (May 9, 2006). Copies of these ordinances are on file  
3 with the Clerk of the Board in File Nos. 050184 and 060347 respectively.

4 (c) On February 1, 2012, the former San Francisco Redevelopment Agency ("Former  
5 Agency") was dissolved pursuant to the provisions of California State Assembly Bill No. 1X 26  
6 (Chapter 5, California Statutes of 2011-12, First Extraordinary Session) ("AB 26") that were  
7 upheld by the California Supreme Court in *California Redevelopment Association v.*  
8 *Matosantos*, 53 Cal.4<sup>th</sup> 231 (2011). On June 27, 2012, AB 26 was amended in part by  
9 California State Assembly Bill No. 1484 (Chapter 26, California Statutes of 2011-12) ("AB  
10 1484"). Together, AB 26 and AB 1484 are primarily codified in Sections 34161 et seq. of the  
11 California Health and Safety Code, as amended from time to time, and are referred to as the  
12 "Redevelopment Dissolution Law".

13 (d) Pursuant to the Redevelopment Dissolution Law, all of the Former Agency's  
14 assets, other than housing assets, and obligations were transferred to the Office of  
15 Community Investment and Infrastructure, as the Successor Agency to the Former Agency  
16 ("OCII" or "Successor Agency"). Some of the Former Agency's housing assets were  
17 transferred to the City, acting by and through the Mayor's Office of Housing and Community  
18 Development.

19 (e) Subsequent to the adoption of AB 1484, on October 2, 2012, the Board of  
20 Supervisors, acting as the legislative body of the Successor Agency, adopted Ordinance No.  
21 215-12, which, among other matters, delegated to the Successor Agency Commission,  
22 commonly known as the Commission on Community Investment and Infrastructure, the  
23 authority to (1) act in the place of the Redevelopment Commission to, among other matters,  
24 implement, modify, enforce, and complete the Former Agency's enforceable obligations; (2)  
25 approve all contracts and actions related to the assets transferred to or retained by the

1 Successor Agency, including, without limitation, the authority to exercise land use,  
2 development, and design approval, consistent with the applicable enforceable obligations; and  
3 (3) take any action that the Redevelopment Dissolution Law requires or authorizes on behalf  
4 of the Successor Agency and any other action that the Successor Agency Commission deems  
5 appropriate, consistent with the Redevelopment Dissolution Law, to comply with such  
6 obligations. A copy of this ordinance is on file with the Clerk of the Board in File No. 120892.

7 (f) The Board of Supervisors' delegation to the Successor Agency Commission  
8 includes authority to exercise land use, development, and design approvals for the Transbay  
9 Redevelopment Project Area ("Project Area") and to approve amendments to the  
10 Redevelopment Plan as allowed under California Community Redevelopment Law (California  
11 Health and Safety Code Section 33000 et seq.) ("CRL" or "Redevelopment Law") and subject  
12 to adoption of such plan amendments by the Board of Supervisors.

13 (g) For minor plan amendments, Sections 33450-33458 of the CRL sets forth a  
14 simplified amendment process. This process includes a publicly noticed hearing of the  
15 Successor Agency Commission; environmental review to the extent required; adoption of the  
16 minor amendment by the Successor Agency Commission after the public hearing; preparation  
17 of a report to the legislative body; referral of the amendment to the Planning Commission, if  
18 warranted; a publicly noticed hearing of the legislative body; and a legislative body  
19 consideration after its hearing. CRL Sections 33352 and 33457.1 further require the  
20 preparation of a report to the legislative body regarding the plan amendment in order to  
21 provide relevant background information in support of the need purpose and impacts of the  
22 plan amendment.

23 (h) The Redevelopment Plan establishes the land use controls for the Project Area  
24 and divides the Project Area into two subareas. Zone One is generally bounded by Harrison  
25 or Folsom Street on the south; Clementina, Tehama, or Natoma Street on the north; Main or

1 Spear Street on the east; and Second or Ecker Street on the west. In Zone 1 the  
2 Redevelopment Plan defines the land uses. Zone One is intended to be developed with  
3 predominantly residential uses; however, the Redevelopment Plan authorizes general office  
4 uses on specific sites within this Zone. Zone Two is generally bounded by Harrison,  
5 Clementina, Tehama, or Natoma Street on the south; Minna or Mission Street on the north;  
6 Main Street on the east; and Second Street on the west. In Zone 2 the San Francisco  
7 Planning Code applies.

8 (i) The Redevelopment Plan and ancillary land use controls, including the  
9 Development Controls and Design Guidelines for the Transbay Redevelopment Project  
10 (“Development Controls”), already authorize the development of general office uses on  
11 specific sites in Zone One. Specifically, Section 3.3.1 of the Redevelopment Plan expressly  
12 authorizes the development of general office uses within Zone One in areas (1) north of  
13 Howard Street, and (2) north of Folsom Street and west of Ecker Street, which together  
14 comprise a small area of Zone One, limited to portions of two City blocks, i.e. Blocks 5 and 10.

15 (j) A modification to general office development controls under the Redevelopment  
16 Plan would not have an actual effect on Block 10. The Transbay Redevelopment Project Area  
17 Streetscape and Open Space Concept Plan specifies that the western portion of Block 10  
18 (Assessor’s Block 3736, Lot 018) must be developed as open space. The eastern portion of  
19 Block 10 (Assessor’s Block 3736, Lot 156) is already developed with an office use with a  
20 height limit of 85 feet under the Redevelopment Plan.

21 (k) The Development Controls implement the Redevelopment Plan’s authorization for  
22 the development of general office uses within Zone One and provide additional guidance for  
23 the office development of Block 5, which is generally bounded by Howard Street on the south,  
24 Natoma Street on the north, Main Street on the east, and Beale Street on the west. The  
25 Development Controls anticipate that in the event a commercial land use alternative is applied

1 to Block 5, “. . . the development density shall be that of the downtown commercial C-3-O  
2 district in the Planning Code.” However, the Redevelopment Plan contains language  
3 imposing inappropriate bulk limits on commercial development in Block 5.

4 (l) As set forth more fully in subsection (o) below, the Successor Agency Commission  
5 recommends approval of a proposed minor amendment to the Redevelopment Plan (the “Plan  
6 Amendment” or “Minor Plan Amendment”), which would provide that the maximum floor plate  
7 sizes for general office buildings in Zone One shall be consistent with the bulk limits permitted  
8 by Sections 270 (Bulk Limits: Measurement) and 272 (Bulk Limits: Special Exceptions in C-3  
9 Districts) of the Planning Code, as amended from time to time, for development within the C-  
10 3-O (“Downtown Office”) District. Thus, the Minor Amendment makes no substantial change in  
11 the authorized land uses under the Redevelopment Plan.

12 (m) In accordance with Sections 33352 and 33457.1 of the CRL, the Successor  
13 Agency has prepared a Report to the Board and made it available to the public on or before  
14 the date of the notice of the public hearing, held in accordance with Section 33452, on this  
15 ordinance approving the Minor Plan Amendment; said hearing is referenced in subsection (o)  
16 below.

17 (n) **General Plan and Planning Code Section 101.1 Findings.** The Successor  
18 Agency transmitted the Plan Amendment to the Planning Department for the Planning  
19 Department’s recommendation concerning the conformity of the Plan Amendment with the  
20 General Plan. In a letter dated May 28, 2015, the Planning Department found that the Plan  
21 Amendment is, on balance, consistent with the General Plan and in conformity with the priority  
22 policies in Planning Code Section 101.1. A copy of this letter is on file with the Clerk of the  
23 Board in File No. 150435 and incorporated herein by reference. This Board adopts as its own  
24 the findings of the Planning Department that the Plan Amendment is, on balance, consistent  
25 with the General Plan and in conformity with Planning Code Section 101.1.

1           (o) **Successor Agency Commission Action.** On April 7, 2015, after holding a duly  
2 noticed public hearing in accordance with CRL Section 33452, the Successor Agency  
3 Commission, in Resolution Nos. 18-2015 and 19-2015, approved the Report to the Board and  
4 made certain findings. It determined, consistent with its authority under Redevelopment  
5 Dissolution Law, that a minor amendment to the Redevelopment Plan providing that the  
6 maximum floor plate sizes for general office buildings in Zone One be consistent with the bulk  
7 limits permitted by Sections 270 (Bulk Limits: Measurement) and 272 (Bulk Limits: Special  
8 Exceptions in C-3 Districts) of the Planning Code, as amended from time to time, for  
9 development within the C-3-O District (“Downtown Office”) is necessary and desirable for  
10 implementation of the Redevelopment Plan. The Successor Agency also adopted the Minor  
11 Plan Amendment. The Successor Agency has transmitted to the Board of Supervisors  
12 certified copies of these Resolutions and attached its Report to Board. Copies of these  
13 documents are on file with the Clerk of the Board in File No. 150435 and are incorporated  
14 herein by reference.

15           (p) The Board of Supervisors held a public hearing on June 9, 2015, on the adoption of  
16 the Minor Plan Amendment. The hearing has been closed. Notice of such hearing was  
17 published in a newspaper of general circulation in the City once per week for three successive  
18 weeks prior to the date of such hearing in accordance with Redevelopment Law Section  
19 33452. At such hearing the Board considered the report and recommendations of the  
20 Successor Agency Commission, the Planning Department’s letter, the Final Environmental  
21 Impact Statement/Environmental Impact Report for the Transbay Terminal/Caltrain Downtown  
22 Extension/Redevelopment Project (“FEIS/EIR”), and all evidence and testimony regarding the  
23 Plan Amendment. The Board hereby adopts findings to the extent required by the CRL as set  
24 forth in this Section 1.

25           (q) **California Environmental Quality Act Findings.**

1 (1) The Board of Supervisors, in Motion No. 04-67, affirmed the certification  
2 under the California Environmental Quality Act ("CEQA") of the FEIS/EIR. Subsequently, the  
3 Board, in Resolution No. 612-04, adopted CEQA findings that various actions related to the  
4 Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project complied with  
5 CEQA. As part of this action, the Board imposed mitigation measures, rejected alternatives,  
6 adopted a statement of overriding benefits, and approved a mitigation monitoring and  
7 reporting program. Also, the Board, in Ordinance Nos. 124-05 and 99-06, adopted additional  
8 CEQA findings. The FEIS/EIR expressly contemplated development of commercial office and  
9 hotel uses within the Project Area, including up to 848,435 square feet of mixed-use office and  
10 retail development on Block 5 of Zone One. The Board motion, resolution, and ordinances  
11 are on file with the Clerk of the Board in File Nos. 040629, 041079, 050184, and 060347  
12 respectively and are incorporated herein by reference.

13 (2) The Successor Agency has reviewed the FEIS/EIR and the Minor Plan  
14 Amendment and determined that development resulting from the Minor Plan Amendment  
15 requires no additional environmental review pursuant to State CEQA Guidelines Sections  
16 15180, 15168, 15162, and 15163. All environmental effects of the Minor Plan Amendment  
17 have been considered and analyzed in the prior FEIS/EIR and subsequent FEIS/EIR Addenda  
18 Nos. 1-6. These documents and supporting administrative record data are on file with the  
19 Successor Agency in its offices at 1 So. Van Ness Avenue, San Francisco, 94102, and are  
20 incorporated herein by reference.

21 (3) The CEQA findings and statement of overriding considerations adopted in  
22 accordance with CEQA by this Board as set forth above remain adequate, accurate, and  
23 objective.

24 (4) The Board has reviewed and considered the CEQA findings that it  
25 previously adopted. It also reviewed and considered the CEQA findings contained in

1 Successor Agency Resolution Nos. 18-2015 and 19-2015, and hereby adopts those additional  
2 CEQA findings as its own. The Board additionally finds that : (A) implementation of the Plan  
3 Amendment does not require revisions to the FEIS/EIR due to involvement of new significant  
4 environmental effects or a substantial increase in the severity of previously identified  
5 significant effects; (B) no substantial changes have occurred with respect to the  
6 circumstances under which the project analyzed in the FEIS/EIR will be undertaken that would  
7 require major revisions to the FEIS/EIR due to the involvement of new significant  
8 environmental effects, or a substantial increase in the severity of effects identified in the  
9 FEIS/EIR; and (C) no new information of substantial importance to the project analyzed in the  
10 FEIS/EIR has become available that would indicate that (i) the Plan Amendment will have  
11 significant effects not discussed in the FEIS/EIR; (ii) significant environmental effects will be  
12 substantially more severe; (iii) mitigation measures or alternatives found not feasible that  
13 would reduce one or more significant effects have become feasible; or (iv) mitigation  
14 measures or alternatives that are considerably different from those in the FEIS/EIR will  
15 substantially reduce one or more significant effects on the environment. Copies of the  
16 abovementioned resolutions are on file with the Clerk of the Board in File No. 150435.  
17

18           Section 2. **Purpose and Intent.** The purpose and intent of the Board of Supervisors  
19 with respect to the Plan Amendment is to make general office development within Zone One  
20 subject to bulk limits permitted by Sections 270 (Bulk Limits: Measurement) and 272 (Bulk  
21 Limits: Special Exceptions in C-3 Districts) of the Planning Code, as amended from time to  
22 time, for development within the C-3-O (“Downtown Office”) Zoning District.  
23  
24  
25

1 Section 3. **Plan Incorporation by Reference.** The Redevelopment Plan as amended  
2 by this ordinance is incorporated in and made a part of this ordinance by this reference with  
3 the same force and effect as though set forth fully in this ordinance.

4  
5 Section 4. **Redevelopment Plan Amendment.**

6 (a) Section 3.5.2 of the Redevelopment Plan is hereby amended to read as follows:

7 The Zone One Plan Map and the table and text below illustrate the heights and floor  
8 plate sizes permitted for *residential* buildings in Zone One.

9 Maximum Floor Plates for Residential Buildings

10

Building Height (feet)	Maximum Floor Plate Size (square feet)
85-250	7,500
251-300	10,000
301-350	10,500
351-400	11,000
401-450	11,500
451-500	12,000
501-550	13,000

11  
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21 For *residential* towers above 500 feet in total height, the average floor plate size of the  
22 portion of the tower above 350 feet must not exceed 12,000 square feet. Below 85 feet, no  
23 bulk controls will apply.

24 The bulk controls for residential buildings prescribed in this section have been carefully  
25 considered in relation to the objectives and policies for Zone One of the Project Area. The

1 maximum average floor plate size above 350 feet for residential towers with heights of 501-  
2 550 feet has been written to conform to the San Francisco Downtown Area Plan. There may  
3 be some exceptional cases in which the maximum average floor plate above 350 feet for  
4 residential towers with heights of 501-550 feet could be permitted to be exceeded. The  
5 ~~Successor~~ Agency Commission may approve exceptions to this control provided that the  
6 project sponsors demonstrate that all of the design guidelines for residential towers in the  
7 Development Controls and Design Guidelines are incorporated into the tower design. In no  
8 case shall residential tower floor plates exceed 13,000 square feet.

9 For general office buildings in Zone One, the maximum floor plate sizes shall be consistent with  
10 the bulk limits permitted by Sections 270 (Bulk Limits: Measurement) and 272 (Bulk Limits: Special  
11 Exceptions in C-3 Districts) of the San Francisco Planning Code, as amended from time to time, for the  
12 C-3-O District (Downtown Office).

13  
14 **Section 5. Further Findings and Determinations under Community**  
15 **Redevelopment Law.** The Board of Supervisors hereby makes the following findings,  
16 determinations, and declarations, based on the record before it, including but not limited to  
17 information contained in the Report to the Board.

18 (a) The purpose of the Plan Amendment is to facilitate on Block 5 of the Project Area,  
19 general office use that is already permitted under the Redevelopment Plan and the  
20 Development Controls.

21 (b) Although significant improvements have occurred in the Project Area since  
22 adoption of the Redevelopment Plan, most of Block 5 remains an undeveloped and blighted  
23 area currently used for surface parking and storage. The Plan Amendment will alleviate the  
24 adverse physical and economic conditions on Block 5 by maximizing developable square feet,  
25 creating an efficient and leasable general office building.

1 (c) The Plan Amendment will redevelop the Project Area as set forth in the Report to  
2 the Board in conformity with Redevelopment Law and promote the public peace, health,  
3 safety, and welfare.

4 (d) The adoption and carrying out of the Plan Amendment is economically sound and  
5 feasible as described in the Report to the Board. Private enterprise will finance the  
6 commercial development on Block 5. The Plan Amendment does not propose any new  
7 Successor Agency capital expenditures, involve any new indebtedness or financial obligation  
8 of the Successor Agency, or change the Successor Agency's overall method of financing the  
9 redevelopment of the Project Area.

10 (e) For the reasons set forth in subsection (n) of Section 1 above, the Plan  
11 Amendment is consistent with the General Plan of the City and County of San Francisco and  
12 in conformity with the priority policies in City Planning Code Section 101.1.

13 (f) The Plan Amendment does not authorize the condemnation of real property.

14 (g) The Plan Amendment does not displace any occupants of housing in the Project  
15 Area and thus no residential relocation plan is required.

16 (h) There are no non-contiguous areas in the Project Area.

17 (i) The Plan Amendment does not change the boundaries of the Project Area.

18 (j) The elimination of blight and redevelopment of the Project Area could not be  
19 reasonably expected to be accomplished by private enterprise acting alone without the  
20 application of the appropriate land use controls.

21 (k) The Project Area is predominantly urbanized, as defined by Redevelopment Law  
22 Section 33320.1(b).

23 (l) The Plan Amendment changes neither the Redevelopment Plan's time limitation nor  
24 its limitation on the number of dollars to be allocated to the Successor Agency.

25

1           Section 6. **Official Plan.** As required by Sections 33457.1 and 33367 of the CRL, the  
2 Board of Supervisors hereby approves and adopts the Redevelopment Plan, as amended by  
3 the Plan Amendment, as the official Redevelopment Plan for the Transbay Redevelopment  
4 Project Area. A copy of the Plan is in Clerk of the Board File Nos. 050184, 060347. A copy of  
5 the Plan Amendment is in Clerk of the Board File No. 150435. These documents are  
6 incorporated herein by reference.

7  
8           Section 7. **Continued Effect of Previous Ordinances as Amended.** Ordinance  
9 Nos. 124-05 and 99-06 remain in full force and effect as amended by this ordinance.

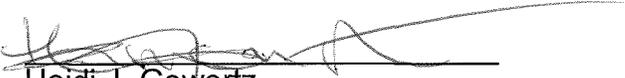
10  
11           Section 8. **Transmittal of Plan as Amended.** The Clerk of the Board of Supervisors  
12 shall (a) transmit a copy of this ordinance to the Successor Agency, whereupon the  
13 Successor Agency shall be vested with the responsibility for carrying out the Redevelopment  
14 Plan as amended, and (b) record or ensure that the Successor Agency records a notice of the  
15 approval and adoption of the Plan Amendment pursuant to this ordinance, containing a  
16 statement that the proceedings for the redevelopment of the Project Area pursuant to the Plan  
17 Amendment have been instituted under the CRL.

18  
19           Section 9. **Ratification of Prior and Subsequent Acts.** All actions heretofore taken  
20 by the officers and agents of the City and the Successor Agency Commission in preparing  
21 and submitting the Plan Amendment to the Board of Supervisors for review and consideration,  
22 as consistent with the documents herein and this ordinance, are hereby ratified and  
23 confirmed, and the Board of Supervisors hereby authorizes all subsequent action to be taken  
24 by City officials and the Successor Agency Commission consistent with this ordinance. Any  
25 such actions are solely intended to further the purposes of the ordinance, and are subject in

1 all respects to the terms of the ordinance, and any such action cannot increase the risk to the  
2 City, or require the City to spend any resources, and within 30 days of the documents  
3 approved by this ordinance receiving final approvals, such final documents (showing marked  
4 changes, if any) shall be provided to the Clerk of the Board, for inclusion in the official file,  
5 together with a brief explanation of any changes from the date of the adoption of this  
6 ordinance.

7  
8 Section 10. **Effective Date.** In accordance with Sections 33378(b)(2) and 33450 of  
9 the CRL, this Ordinance shall become effective 90 days after enactment. Enactment occurs  
10 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not  
11 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
12 Mayor's veto of the ordinance.

13  
14 APPROVED AS TO FORM:  
15 DENNIS J. HERRERA, City Attorney

16 By:   
17 Heidi J. Gewertz  
18 Deputy City Attorney

19  
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25  
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City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tails  
Ordinance

File Number: 150435

Date Passed: June 16, 2015

Ordinance approving a minor amendment to the Redevelopment Plan for the Transbay Redevelopment Project Area to provide bulk limits for general office buildings in Zone One; and making findings under the California Environmental Quality Act, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

June 09, 2015 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Tang, Wiener and Yee

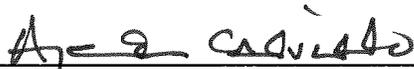
Absent: 1 - Mar

June 16, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150435

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/16/2015 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
Mayor

6/18/2015  
Date Approved

1 [Redevelopment Plan Amendment - Transbay Redevelopment Project Area - Zone One]

2  
3 **Ordinance approving an amendment to the Redevelopment Plan for the Transbay**  
4 **Redevelopment Project Area to increase the maximum height limit from 300 feet to 400**  
5 **feet on Block 1 (Assessor’s Block No. 3740, Lot Nos. 027, 029, 030, 031, and 032) within**  
6 **Zone One of the Transbay Redevelopment Project Area; and making environmental**  
7 **findings under the California Environmental Quality Act, and findings of consistency**  
8 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

9  
10 **NOTE: Unchanged Code text and uncodified text are in plain Arial font.**  
11 **Additions to Code** are *single-underline italics Times New Roman font*;  
12 **Deletions to Code** are ~~*strike-through italics Times New Roman font*~~.  
13 **Board amendment additions** are double-underlined Arial font;  
14 **Board amendment deletions** are ~~strikethrough Arial font~~.  
15 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
16 subsections or parts of tables.

17 Be it ordained by the People of the City and County of San Francisco:

18 Section 1. FINDINGS. The Board of Supervisors of the City and County of San  
19 Francisco (the “Board of Supervisors” or “Board”) hereby makes the following findings,  
20 determinations, and declarations, based on the record before it, including but not limited to  
21 information contained in the Report to the Board of Supervisors on the Amendment to the  
22 Redevelopment Plan for the Transbay Redevelopment Project Area ("Report to the Board"),  
23 dated January 19, 2016, as updated March 21, 2016, and on file with the Clerk of the Board in  
24 File No. 160150.  
25

1 (a) The San Francisco Redevelopment Agency approved the Redevelopment Plan  
2 (the "Redevelopment Plan") for the Transbay Redevelopment Project Area (the "Project  
3 Area") by Resolutions No. 19-2005 (January 25, 2005) and No. 95-2005 (June 7, 2005).

4 (b) The Board of Supervisors approved the Redevelopment Plan by Ordinances  
5 No. 124-05 (June 21, 2005) and No. 99-06 (May 9, 2006).

6 (c) On February 1, 2012, California Health and Safety Code Sections 34170 et seq.  
7 (the "Redevelopment Dissolution Law") dissolved redevelopment agencies and established  
8 successor agencies to fulfill the remaining obligations of the former redevelopment agencies.

9 (d) Subsequent to the dissolution of the redevelopment agencies, the Board of  
10 Supervisors, acting as the legislative body of the Successor Agency to the San Francisco  
11 Redevelopment Agency, adopted Ordinance No. 215-12, which was signed by the Mayor on  
12 October 4, 2012, and which transferred the assets (other than housing assets) and obligations  
13 of the San Francisco Redevelopment Agency ("Former Agency") to the Office of Community  
14 Investment and Infrastructure ("OCII" or "Successor Agency") and some of the housing assets  
15 of the Former Agency to the City, acting by and through the Mayor's Office of Housing and  
16 Community Development. A copy of this ordinance is on file with the Clerk of the Board in File  
17 No. 120898.

18 (e) Ordinance No. 215-12 delegated to the Commission of the Successor Agency,  
19 commonly known as the Commission on Community Investment and Infrastructure ("CCII"),  
20 the authority to (1) act in the place of the Commission of the Former Agency to, among other  
21 matters, implement, modify, enforce, and complete the Former Agency's enforceable  
22 obligations; (2) approve all contracts and actions related to the assets transferred to or  
23 retained by the Successor Agency, including, without limitation, the authority to exercise land  
24 use, development, and design approval, consistent with the applicable enforceable  
25 obligations; (3) approve amendments to the Redevelopment Plan as allowed under California

1 Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.)  
2 ("CRL" or "Redevelopment Law") and subject to adoption of such plan amendments by the  
3 Board of Supervisors; and (4) take any action that the Redevelopment Dissolution Law  
4 requires or authorizes on behalf of the Successor Agency and any other action that the CCII  
5 deems appropriate, consistent with the Redevelopment Dissolution Law, to comply with such  
6 obligations.

7 (f) Under Redevelopment Dissolution Law, the Successor Agency has an  
8 enforceable obligation to ensure that 25% of the residential units developed in the Project  
9 Area will be available to low income households and that an additional 10% will be available  
10 to moderate income households (the "Transbay Affordable Housing Obligation"). The source  
11 of this obligation is Section 5027.1 of the California Public Resources Code, which obligation  
12 has been incorporated into the Redevelopment Plan and in the Implementation Agreement,  
13 dated as of January 20, 2005, between the Former Agency and the Transbay Joint Powers  
14 Authority and has been finally and conclusively determined by the California Department of  
15 Finance to be an enforceable obligation under Redevelopment Dissolution Law.

16 (g) The Redevelopment Plan establishes the land use controls for the Project Area  
17 and divides the Project Area into two subareas. Zone One is generally bounded by Harrison  
18 Street or Folsom Street on the south; Clementina Street, Tehama Street, or Natoma Street on  
19 the north; Main Street or Spear Street on the east; and Second Street or Ecker Street on the  
20 west. In Zone One, OCII maintains the land use review authority and the Redevelopment Plan  
21 and Development Controls and Design Guidelines define the land uses, which are  
22 predominantly residential. Zone Two is generally bounded by Harrison Street, Clementina  
23 Street, Tehama Street, or Natoma Street on the south; Minna Street or Mission Street on the  
24 north; Main Street on the east; and Second Street on the west. In Zone Two, the Planning  
25

1 Department and Planning Commission maintain land use review authority and the San  
2 Francisco Planning Code land use controls apply.

3 (h) The Redevelopment Plan specifies the land use of Block 1 of Zone One of the  
4 Project Area ("Block 1") as Transbay Downtown Residential and provides for a maximum  
5 height limit of 300 feet. The Development Controls and Design Guidelines for the Transbay  
6 Redevelopment Project ("Development Controls") also specify a Block 1 maximum height limit  
7 of 300 feet for a residential tower on a portion of the site.

8 (i) Block 1 is an approximately 54,098-square-foot site located on Folsom Street  
9 between Main Street and Spear Street in Zone One of the Project Area. It is comprised of  
10 Assessor's Block 3740, Lots 027, 029, 030, 031, and 032. Lot 027 (approximately 34,133  
11 square feet) is owned by OCII; the balance of the properties (approximately 19,965 square  
12 feet) is held by Block One Property Holder, L.P., an affiliate of Tishman Speyer ("Developer").

13 (j) On November 18, 2014, the CCII authorized an Exclusive Negotiations  
14 Agreement (the "ENA") with the Developer for (a) the sale to Developer of the portion of Block  
15 1 owned by OCII (Block 3470, Lot 027) and (b) the development of a combined affordable and  
16 market-rate homeownership project consisting of a residential tower, two residential podium  
17 buildings, and townhouses surrounding open space on Block 1. The ENA contemplates two  
18 project alternatives: one with a tower height of 300 feet, as allowed under the Redevelopment  
19 Plan, and the other with a tower height of 400 feet, that would require the Redevelopment  
20 Plan Amendment.

21 (k) As set forth more fully in Section 1, subparagraph (q) of this ordinance, the CCII  
22 recommends approval of a proposed amendment to the Redevelopment Plan (the "Plan  
23 Amendment"), which would increase the maximum height limit from 300 feet to 400 feet on  
24 Block 1. The Plan Amendment would make no other substantial change to the authorized  
25 land uses under the Redevelopment Plan. The CCII recommends the Plan Amendment to

1 achieve the goals and objectives set for the Redevelopment Plan, including among others, the  
2 creation of a community identity and built form that ensure that high-rise buildings reflect high  
3 quality architectural and urban design standards, and the creation of housing opportunities  
4 that provide a mixture of housing types and sizes to attract a diverse residential population,  
5 including families and people of all income levels.

6 (l) The CCII also recommends the proposed Plan Amendment because it promotes  
7 the expeditious fulfillment of the Transbay Affordable Housing Obligation. The 400-foot  
8 development proposal for the site would provide approximately 73 additional housing units on  
9 Block 1, for a total of 391 units. Under this proposal, 156 (40%) of the units would be  
10 affordable to moderate income households. The 300-foot development proposal for Block 1  
11 would provide approximately 318 total residential units, of which 112 (35%) would be  
12 affordable to low and moderate income households.

13 (m) Over the past several years, the Transbay Citizens Advisory Committee (“CAC”)  
14 has reviewed and considered the proposal for development of Block 1 and the Plan  
15 Amendment. On January 14, 2016, the CAC voted and recommended approval of the Plan  
16 Amendment by the CCII and the Board of Supervisors.

17 (n) Sections 33450-33458 of the CRL establish a process to amend a  
18 redevelopment plan. This process includes a publicly noticed hearing of the CCII;  
19 environmental review to the extent required; adoption of the Plan Amendment by the CCII  
20 after the public hearing; preparation of a Report to the Board of Supervisors; referral of the  
21 Plan Amendment to the Planning Commission for its report and recommendation; a publicly  
22 noticed hearing of the Board of Supervisors and Board of Supervisors consideration after its  
23 hearing. Pursuant to Section 33457.1 of the CRL, a proposed amendment to a  
24 redevelopment plan requires the preparation and public availability of reports and information  
25

1 that would otherwise be required for a redevelopment plan adoption “to the extent warranted”  
2 by the proposed amendment.

3 (o) The Successor Agency has prepared the Report to the Board, which the CCII  
4 approved by Resolution No. 1-2016, and has made the Report to the Board available to the  
5 public on or before the date of the notice of the public hearing, held in accordance with CRL  
6 Section 33454, on this ordinance approving the Plan Amendment; said hearing is referenced  
7 in Section 1, subparagraph (p) of this ordinance.

8 (p) On January 19, 2016, after holding a duly noticed public hearing in accordance  
9 with Redevelopment Law Section 33452, the CCII approved, by Resolution Nos. 1-2016 and  
10 2-2016, the Report to the Board and authorized its transmittal to the Board of Supervisors for  
11 its background information in considering the proposed Plan Amendment; referred the Plan  
12 Amendment to the Planning Commission for its report and recommendation on the Plan  
13 Amendment and its conformance to the General Plan; found and determined that the Plan  
14 Amendment is within the scope of the project analyzed by the final environmental impact  
15 report for the Transbay Terminal/ Caltrain Downtown Extension/Redevelopment Project  
16 (“FEIR”) and the eighth addendum to the FEIR prepared by the Successor Agency, in  
17 consultation with the San Francisco Planning Department (“Addendum”); approved the Plan  
18 Amendment; and recommended the Plan Amendment to the Board of Supervisors for its  
19 approval. The Successor Agency has transmitted to the Board of Supervisors certified copies  
20 of these Resolutions and attached its Report to the Board. Copies of the Plan Amendment  
21 and the CCII’s Resolution Nos. 1-2016 and 2-2016, on file with the Clerk of the Board of  
22 Supervisors in File No. 160150, are incorporated in this Ordinance by this reference.

23 (q) The Successor Agency transmitted the proposed Plan Amendment to the San  
24 Francisco Planning Department (“Planning Department”) for the report and recommendation  
25 of the San Francisco Planning Commission (“Planning Commission”) concerning the

1 conformity of the Plan Amendment with the San Francisco General Plan (“General Plan”).  
2 The Planning Department has determined that an amendment to the General Plan would be  
3 required to revise Map 5 of the Downtown Area Plan to include a notation stating that the  
4 proposed height and bulk district on Block 1 shall be consistent with controls provided in the  
5 Redevelopment Plan (the “Downtown Area Plan Amendment”). The Downtown Area Plan  
6 Amendment corrects an apparent oversight to Map 5, which excluded certain Zone One  
7 parcels from General Plan amendments made at the time the Redevelopment Plan was  
8 originally adopted, and will bring the map into conformance with the Redevelopment Plan and  
9 the Planning Code. On February 25, 2016, by Resolution No. 19572, the Planning  
10 Commission approved the proposed Downtown Area Plan Amendment. Also on February 25,  
11 2016, by Motion No. 19573, the Planning Commission found that the Redevelopment Plan  
12 Amendment is consistent with the General Plan, as amended, and in conformity with the  
13 priority policies in Planning Code, Section 101.1, and recommended approval of the Plan  
14 Amendment to the Board of Supervisors. A copy of the Planning Commission Motion No.  
15 19573 and Resolution No. 19572 are on file with the Clerk of the Board of Supervisors in File  
16 No. 160188 and incorporated into this ordinance by this reference as though fully set forth.  
17 This Board, for the reasons specified in Planning Commission Motion No. 19573 adopts as its  
18 own the findings of the Planning Commission that the Plan Amendment is consistent with the  
19 General Plan and in conformity with Planning Code, Section 101.1.

20 (r) On April 12, 2016, the Board of Supervisors held a public hearing on the  
21 adoption of the proposed Plan Amendment in the Board Legislative Chamber, 1 Dr. Carlton B.  
22 Goodlett Place, Room 250, San Francisco, CA. The hearing has been closed. Notice of such  
23 hearing was duly and regularly published in a newspaper of general circulation in the City and  
24 County of San Francisco, once per week for three successive weeks prior to the date of such  
25 hearing in accordance with Redevelopment Law Section 33452. The Board considered the

1 Report on the Plan Amendment and recommendations of the CCII, the Planning Commission  
2 report and recommendations, the Addendum to the FEIR; and all evidence and testimony for  
3 and against the proposed Plan Amendment, including written objections to the adoption of the  
4 proposed Plan Amendment received by the Clerk of Board and the written response prepared  
5 by OCII to those objections, a copy of which response is on file with the Clerk of the Board of  
6 Supervisors in File No. 160150 (the "Response"). The Board hereby adopts findings to the  
7 extent required by the CRL as set forth in Section 5 of this ordinance.

8 (a) CEQA Findings. The Board of Supervisors has adopted environmental findings  
9 in compliance with the California Environmental Quality Act ("CEQA Findings") in companion  
10 Ordinance No. \_\_\_\_\_, on file with the Clerk of the Board of Supervisors in File  
11 No. 160188. The companion Ordinance No. \_\_\_\_\_ approves General Plan  
12 amendments to Map 5 of the Downtown Area Plan related to portions of Blocks 1 and 2 in the  
13 Transbay Redevelopment Project Area. The Board's CEQA Findings in Ordinance No.  
14 \_\_\_\_\_ concur with CEQA Findings of the CCII and the Planning Commission that the  
15 FEIR and Addendum support the conclusion that no additional environmental review is  
16 required under CEQA other than the FEIR and Addendum. The Board hereby incorporates  
17 into this ordinance by this reference the CEQA Findings adopted by the Board in companion  
18 Ordinance No. \_\_\_\_\_.

19 Section 2. PURPOSE AND INTENT. The purpose and intent of the Board of  
20 Supervisors with respect to the Plan Amendment is to increase the maximum height limit from  
21 300 feet to 400 feet on Block 1 of Zone One of the Project Area for the purpose of allowing the  
22 Successor Agency to consider approval of a residential development proposal that would  
23 include 40 percent of the total number of units as affordable units.

1 Section 3. PLAN INCORPORATION BY REFERENCE. The Redevelopment Plan as  
2 amended by this ordinance is incorporated in and made a part of this ordinance by this  
3 reference with the same force and effect as though set forth fully in this ordinance.

4 Section 4. REDEVELOPMENT PLAN AMENDMENT. The Zone One Plan Map  
5 provided in Exhibit 4 of the Redevelopment Plan is here by amended by striking the “300 ft”  
6 maximum height designation provided on Block 1, and replacing this text with the designation  
7 “400 ft.”

8 Section 5. FURTHER FINDINGS AND DETERMINATIONS UNDER COMMUNITY  
9 REDEVELOPMENT LAW. To the extent required by the Community Redevelopment Law,  
10 the Board of Supervisors hereby further finds, determines, and declares, based on the record  
11 before it, including but not limited to information contained in the Report on the Plan  
12 Amendment, that:

13 (a) The purpose of the Plan Amendment is to facilitate, on Block 1 in Zone One of  
14 the Project Area, development of a residential tower extending to a maximum height of 400  
15 feet, which would be consistent with the Redevelopment Plan goals and objectives, provide a  
16 significant amount of affordable housing, and comply with the Redevelopment Dissolution  
17 Law’s requirements for expeditious completion of enforceable obligations.

18 (b) The adoption and carrying out of the Plan Amendment is economically sound  
19 and feasible as described in the Report to the Board. It does not propose any new capital  
20 expenditures by the Successor Agency, involve any new indebtedness or financial obligation  
21 of the Successor Agency, or change the Successor Agency’s overall method of financing the  
22 redevelopment of the Project Area. Instead, the Plan Amendment relies on private enterprise  
23 to finance the market rate housing and a large portion of the affordable housing on Block 1.

24 (c) Although significant improvements have occurred in the Project Area since  
25 adoption of the Redevelopment Plan, most of Block 1 remains an undeveloped and blighted

1 area currently used for surface parking and limited office use. The Plan Amendment will  
2 alleviate the adverse physical and economic conditions on Block 1 by maximizing developable  
3 square feet and increasing dwelling unit count.

4 (d) For the reasons set forth in Section 1, subparagraph (q) of this ordinance, the  
5 Plan Amendment is consistent with the General Plan, as amended by companion Ordinance  
6 No. 65-16 and is consistent with the priority policies in City Planning Code, Section 101.1  
7 based on the findings set forth in Planning Commission Resolution No. 19572 and Motion  
8 No. 19573, which findings this Board has incorporated as its own.

9 (e) As discussed in Section 1, subparagraph (q) of this ordinance, the Successor  
10 Agency in conjunction with the Planning Department has prepared an Addendum to the FEIR  
11 pursuant to State CEQA Guidelines Section 15164, documenting its decision on the basis of  
12 substantial evidence that the Plan Amendment does not trigger the need for preparation of a  
13 subsequent or supplemental EIR and the Board of Supervisors concurs with this decision as  
14 set forth in Section 1, subparagraph (s).

15 (f) As described in the Report to the Board, adoption of the Plan Amendment will  
16 not adversely affect the physical or social quality of the neighborhood, nor will it cause the  
17 destruction or removal of housing units from the low- and moderate-income housing market or  
18 displacement of low- or moderate-income housing. Rather, the Plan Amendment, by  
19 facilitating a greater density of development at a site designated for residential use, will  
20 increase the supply of housing and affordable housing in the Project Area.

21 (g) The Board of Supervisors hereby adopts, as its findings, the Response to written  
22 objections to the Plan Amendment as required under Section 33363 of the Health and Safety  
23 Code and incorporates the Response, including the findings contained therein, by reference  
24 as though fully set forth in this Ordinance.

1 Section 6. OFFICIAL PLAN. As required by Sections 33457.1 and 33367 of the CRL,  
2 the Board of Supervisors hereby approves and adopts the Redevelopment Plan, as amended  
3 by the Plan Amendment, as the official redevelopment plan for the Project Area.

4 Section 7. CONTINUED EFFECT OF PREVIOUS ORDINANCES AS AMENDED.  
5 Ordinance Nos. 124-05, 99-06, and 84-15 remain in full force and effect as amended by this  
6 Ordinance.

7 Section 8. TRANSMITTAL OF PLAN AS AMENDED. The Clerk of the Board of  
8 Supervisors shall without delay (a) transmit a copy of this ordinance to the Successor Agency,  
9 whereupon the Successor Agency shall be vested with the responsibility for carrying out the  
10 Redevelopment Plan as amended, and (b) record or ensure that the Successor Agency  
11 records a notice of the approval and adoption of the Plan Amendment pursuant to this  
12 ordinance, containing a statement that the proceedings for the redevelopment of the Project  
13 Area pursuant to the Plan Amendment have been instituted under the CRL.

14 Section 9. RATIFICATION OF PRIOR ACTS. All actions taken by City officials and the  
15 CCII in preparing and submitting the Plan Amendment to the Board of Supervisors for review  
16 and consideration are hereby ratified and confirmed, and the Board of Supervisors hereby  
17 authorizes all subsequent action to be taken by City officials and the CCII consistent with this  
18 Ordinance.

19 Section 10. Effective Date. In accordance with Sections 33378(b)(2) and 33450 of the  
20 CRL, this ordinance shall become effective 90 days from the date of enactment. Enactment  
21 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or  
22 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors

23 //

24 //

25 //

1 overrides the Mayor's veto of the ordinance.

2

3 APPROVED AS TO FORM:  
4 DENNIS J. HERRERA, City Attorney

5

6

7 By:  \_\_\_\_\_  
8 Charles Sullivan  
9 Deputy City Attorney  
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**City and County of San Francisco**  
**Tails**  
**Ordinance**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 160150

**Date Passed:** April 26, 2016

Ordinance approving an amendment to the Redevelopment Plan for the Transbay Redevelopment Project Area, to increase the maximum height limit from 300 feet to 400 feet on Block 1 (Assessor's Block No. 3740, Lot Nos. 027, 029, 030, 031, and 032) within Zone One of the Transbay Redevelopment Project Area; and making environmental findings under the California Environmental Quality Act, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

April 12, 2016 Board of Supervisors - CONTINUED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

April 19, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

April 19, 2016 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

April 26, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160150

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/26/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

  
Mayor

4/28/16  
Date Approved

1 [Redevelopment Plan Amendment - Transbay Redevelopment Project Area - Zone One,  
2 Block 2]

3 **Ordinance approving an amendment to the Redevelopment Plan for the Transbay**  
4 **Redevelopment Project Area to increase bulk limits on Block 2 of Zone One of the**  
5 **Transbay Redevelopment Project Area (Assessor's Parcel Block No. 3739, Lot No. 014,**  
6 **located on the north side of Folsom Street between Beale and Main Streets), by**  
7 **increasing certain maximum floor plate sizes; making findings under the California**  
8 **Community Redevelopment Law; making findings under the California Environmental**  
9 **Quality Act; and making findings of consistency with the General Plan, and the eight**  
10 **priority policies of Planning Code, Section 101.1.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
14 **Board amendment additions** are in double-underlined Arial font.  
15 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
16 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
17 subsections or parts of tables.

18 Be it ordained by the People of the City and County of San Francisco:

19 Section 1. General Findings.

20 In accordance with California Community Redevelopment Law (California Health and  
21 Safety Code Sections 33000 et seq.), the Board of Supervisors of the City and County of San  
22 Francisco hereby makes the following findings, determinations, and declarations, based on  
23 the record before it, including but not limited to information contained in the Report to the  
24 Board of Supervisors on the Amendment to the Redevelopment Plan for the Transbay  
25 Redevelopment Project Area ("Report to the Board"), dated November 1, 2022, and on file  
with the Clerk of the Board in File No. 221216:

1 (a) The Board of Supervisors established the Transbay Redevelopment Project Area  
2 ("Project Area") and approved a Redevelopment Plan for the Project Area by Ordinance No.  
3 124-05 and by Ordinance No. 99-06, as amended by Ordinance No. 84-15 and Ordinance No.  
4 62-16 ("Redevelopment Plan") to undertake a variety of projects and activities to alleviate  
5 blighting conditions. The Redevelopment Plan establishes the land use controls for the Project  
6 Area and divides the Project Area into two subareas, known as Zone 1 and Zone 2.

7 (b) In 2003, the State of California adopted California Public Resources Code Section  
8 5027.1, which requires that any redevelopment plan adopted to finance, in whole or in part,  
9 the demolition of the former transbay terminal building and the construction of a new terminal,  
10 including its associated vehicle ramps (the "Transbay Transit Center," or "TTC"), shall ensure  
11 that at least 25% of all dwelling units developed within the Project Area shall be available at  
12 affordable housing cost to, and occupied by, persons and families whose incomes do not  
13 exceed 60% of the area median income, and that at least an additional 10% of all dwelling  
14 units developed within the Project Area shall be available at affordable housing cost to, and  
15 occupied by, persons and families whose incomes do not exceed 120% of the area median  
16 income, for a total 35% affordable housing obligation ("Transbay Affordable Housing  
17 Obligation").

18 (c) Also in 2003, the State of California, acting through its Department of  
19 Transportation ("State") entered into an agreement with the Transbay Joint Powers Authority  
20 ("TJPA") and the City ("Cooperative Agreement") whereby the State agreed to transfer  
21 approximately 10 acres of State-owned property ("State-Owned Parcels") in and around the  
22 former transbay terminal to the City and the TJPA, which would then sell the State-Owned  
23 Parcels and use the revenues from the sales to finance the TTC.

1 (d) In 2006, the TJPA and the former San Francisco Redevelopment Agency ("Former  
2 Agency") executed an agreement ("Implementation Agreement"), which required the Former  
3 Agency to take the lead role in facilitating the development of the State-Owned Parcels.

4 (e) The Implementation Agreement required the Former Agency to: (1) prepare and  
5 sell the State-Owned Parcels to third parties; (2) deposit the sale proceeds into a trust  
6 account to help the TJPA pay the cost of constructing the TTC; (3) implement the  
7 Redevelopment Plan to enhance the financial feasibility of the TTC; and (4) fund the state-  
8 mandated Transbay Affordable Housing Obligation.

9 (f) In 2008, the City, the Former Agency, and the TJPA granted the Former Agency an  
10 option to acquire the State-Owned Parcels, arrange for development of the parcels, and  
11 distribute the net tax increment to the TJPA to use for the TTC ("2008 Option Agreement").

12 (g) On February 1, 2012, the State of California dissolved all redevelopment agencies,  
13 including the Former Agency, and required the transfer of certain of the Former Agency's  
14 assets and obligations to the Successor Agency to the Redevelopment Agency of the City and  
15 County of San Francisco ("Successor Agency," commonly known as the Office of Community  
16 Investment and Infrastructure, or "OCII"). Cal. Health & Safety Code §§ 34170 et seq.  
17 ("Redevelopment Dissolution Law"). On June 27, 2012, the Redevelopment Dissolution Law  
18 was amended to clarify that successor agencies are separate public entities from the city or  
19 county that had originally established a redevelopment agency and they succeed to the  
20 organizational status of the former redevelopment agency to complete any work related to an  
21 approved enforceable obligation. Cal. Health & Safety Code § 34173(g).

22 (h) The Board of Supervisors, acting as the legislative body of the Successor Agency,  
23 adopted Ordinance No. 215-12, which, among other matters: (a) acknowledged and  
24 confirmed that the Successor Agency is a separate legal entity from the City; and (b)  
25 established the Successor Agency Commission ("OCII Commission") and delegated to it the

1 authority to (i) implement, modify, enforce, and complete the Former Agency's enforceable  
2 obligations, (ii) approve all contracts and actions related to the assets transferred to or  
3 retained by the Successor Agency, including, without limitation, the authority to exercise land  
4 use, development, and design approval, consistent with the applicable enforceable  
5 obligations, and (iii) take any action that the Redevelopment Dissolution Law requires or  
6 authorizes on behalf of the Successor Agency and any other action that the OCII Commission  
7 deems appropriate, consistent with the Redevelopment Dissolution Law, to comply with such  
8 obligations.

9 (i) Pursuant to the Redevelopment Dissolution Law, all of the Former Agency's assets  
10 (other than certain housing assets) and obligations were transferred to the Successor Agency.

11 (j) Under Redevelopment Dissolution Law, the Successor Agency's role is to complete  
12 those enforceable obligations of the Former Agency that the California Department of Finance  
13 has finally and conclusively approved under Redevelopment Dissolution Law. On April 15,  
14 2013, the Department of Finance determined "finally and conclusively," under Cal. Health &  
15 Safety Code, Section 34177.5(i), that the Implementation Agreement, Transbay Affordable  
16 Housing Obligation, and the Transbay Redevelopment Project Tax Increment Allocation and  
17 Sales Proceeds Pledge Agreement ("Pledge Agreement") are enforceable obligations; and

18 (k) Transbay Redevelopment Plan Block 2 (Assessor's Block 3739, Lot 014) is a  
19 former State-Owned Parcel subject to the 2008 Option Agreement, constituting approximately  
20 42,627 square feet and located within the Project Area at 200 Folsom Street, bounded by  
21 Folsom, Main, and Beale Streets and extending approximately 155 feet northwest from  
22 Folsom Street (the "Site").

23 (l) On January 7, 2021, the Successor Agency exercised its rights to acquire Block 2  
24 from the TJPA.

1 (m) Through a competitive request for proposals process, the Successor Agency  
2 selected Mercy Housing California and Chinatown Community Development Center (the  
3 "Sponsors") to co-develop the Site. Pursuant to an Exclusive Negotiations Agreement  
4 between the Successor Agency and affiliates of the Sponsors (approved as OCII Commission  
5 Resolution No. 09-2021), the Sponsors have engaged in predevelopment activities for the Site  
6 and have proposed the development of two mixed-use residential buildings as well as related  
7 public and private open space and streetscape improvements. The building on the eastern  
8 side of the Site includes 184 rental housing units that will serve low-income households and  
9 formerly homeless households, resident-serving amenities, approximately 1,959 square feet  
10 of retail space, and an approximately 6,447 square foot childcare facility. The building on the  
11 western portion of the Site includes 151 rental housing units that will serve low-income senior  
12 households and formerly homeless seniors, resident-serving amenities, and approximately  
13 2,945 square feet of retail space. The two buildings combined comprise the "Block 2 Project".

14 (n) The Redevelopment Plan specifies the land use of Block 2 as "Transbay  
15 Downtown Residential" and specifies that the maximum residential floor plates for buildings  
16 between 85 feet and 250 feet in height shall not exceed 7,500 square feet.

17 (o) The OCII Commission recommends approval of a proposed amendment to the  
18 Redevelopment Plan (the "Plan Amendment"), which would increase the maximum floor plate  
19 size on Block 2 to 11,100 square feet for that portion of buildings over 85 feet but no more  
20 than 144 feet in height, and increase the maximum floor plate size to 9,200 square feet for  
21 that portion of buildings over 144 feet but no more than 165 feet in height.

22 (p) The Plan Amendment would make no other substantial change to the authorized  
23 land uses or physical controls under the Redevelopment Plan. The OCII Commission  
24 recommends the Plan Amendment to achieve the goals and objectives set for the  
25 Redevelopment Plan, including, among others, the creation of housing opportunities that

1 provide a mixture of housing types and sizes to attract a diverse residential population,  
2 including families and people of all income levels.

3 (q) The OCII Commission also recommends the proposed Plan Amendment because  
4 it implements the Transbay Affordable Housing Obligation. The Plan Amendment will facilitate  
5 development of approximately 31 additional housing units on Block 2 than would be possible  
6 under the existing bulk limitations, for a total of 335 units. With the exception of two  
7 unrestricted manager's units, all of the Block 2 residential units will be permanently restricted  
8 for affordability to extremely low- and low-income households (ranging between 15% and 70%  
9 of area median income).

10 (r) The Transbay Citizens Advisory Committee ("CAC") has reviewed and been  
11 apprised of the proposal for development of Block 2. On September 8, 2022, the CAC voted  
12 and recommended approval of the Plan Amendment by the OCII Commission and the Board  
13 of Supervisors.

14 (s) Sections 33450-33458 of the California Health & Safety Code establish a process  
15 to amend a redevelopment plan. As applicable, this process includes a publicly noticed  
16 hearing of the OCII Commission; environmental review, if required; adoption of the Plan  
17 Amendment by the OCII Commission after the public hearing; preparation of a Report to the  
18 Board of Supervisors; referral of the Plan Amendment to the Planning Commission for its  
19 report and recommendation; a publicly noticed hearing of the Board of Supervisors, and  
20 Board of Supervisors consideration after its hearing. Pursuant to Health & Safety Code  
21 Section 33457.1, a proposed amendment to a redevelopment plan requires the preparation  
22 and public availability of reports and information that would otherwise be required for a  
23 redevelopment plan adoption "to the extent warranted" by the proposed amendment.

24 (t) The Successor Agency prepared the Report to the Board, and made the Report to  
25 the Board available to the public before the date of the notice of the OCII Commission public

1 hearing, held in accordance with Health & Safety Code Section 33454, on this ordinance  
2 approving the Plan Amendment.

3 (u) On November 1, 2022, after holding a duly noticed public hearing in accordance  
4 with Health & Safety Code Section 33452, the OCII Commission, by Resolution Nos. 40-2022  
5 and 41-2022, approved the Report to the Board and authorized its transmittal to the Board of  
6 Supervisors for its background information in considering the proposed Plan Amendment;  
7 referred the Plan Amendment to the Planning Commission for its report and recommendation  
8 on the Plan Amendment and its conformance to the General Plan; made findings under the  
9 California Environmental Quality Act ("CEQA"); approved the Plan Amendment; and  
10 recommended the Plan Amendment to the Board of Supervisors for its approval. Copies of  
11 the Plan Amendment and OCII Commission Resolution Nos. 40-2022, and 41-2022 are on file  
12 with the Clerk of the Board of Supervisors in File No. 221216, and are incorporated herein by  
13 reference.

14 (v) On January 10, 2022, the Board of Supervisors held a public hearing on the  
15 adoption of the proposed Plan Amendment in the Board Legislative Chamber, 1 Dr. Carlton B.  
16 Goodlett Place, Room 250, San Francisco, CA. The hearing has been closed. Notice of such  
17 hearing was duly and regularly published in a newspaper of general circulation in the City and  
18 County of San Francisco, once per week for three successive weeks prior to the date of such  
19 hearing in accordance with Health and Safety Code Section 33452. The Board considered the  
20 Report on the Plan Amendment and recommendations of the OCII Commission, the Planning  
21 Commission report and recommendations, applicable environmental review documents; and  
22 all evidence and testimony for and against the proposed Plan Amendment. The Board hereby  
23 adopts findings to the extent required by the Health and Safety Code.

1           Section 2. Environmental and Planning Code Findings.

2           (a) On April 22, 2004, after a duly noticed joint public hearing with the Peninsula  
3 Corridor Joint Powers Board (the "JPB"), in Motion No. 16773, the Planning Commission  
4 certified as adequate and complete the final Environmental Impact Statement/Environmental  
5 Impact Report ("Final EIS/EIR") for the Transbay Terminal/Caltrain Downtown  
6 Extension/Redevelopment Project (Planning Department Case No. 2000.048E) in accordance  
7 with CEQA, the CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq.),  
8 and Chapter 31 of the San Francisco Administrative Code. Said Motion is on file with the  
9 Clerk of the Board of Supervisors in File No. 041079 and is incorporated herein by reference.

10           (b) On April 20, 2004, in Resolution No. 45-2004, the Former Agency, at a duly noticed  
11 public hearing, also certified the Final EIS/EIR and made findings similar to those of the  
12 Commission and JPB in regard to CEQA and the CEQA Guidelines.

13           (c) In 2004, the Board of Supervisors, in Motion No. 04-67, affirmed the certification of  
14 the FEIS/EIR. In Resolution No. 612-04, effective October 7, 2004, the Board of Supervisors  
15 adopted findings that various actions related to the Transbay Terminal/Caltrain Downtown  
16 Extension/Redevelopment Project complied with CEQA. Also, in 2005 and 2006, the Board of  
17 Supervisors adopted, in Ordinance Nos. 124-05 and 99-06, additional CEQA findings. Said  
18 Motion, Resolution, and the CEQA Findings are on file with the Clerk of the Board of  
19 Supervisors in File Nos. 041079 and 221216 and are incorporated herein by reference.  
20 Subsequent to the adoption of the Final EIS/EIR, the Former Agency, the Successor Agency  
21 or other responsible agencies under CEQA/NEPA have approved and incorporated nine  
22 addenda into the analysis of the Final EIS/EIR (as incorporated, the "FEIS/EIR") and made  
23 requisite findings under CEQA (findings referenced in recital (a) and (b) collectively referred to  
24 as the "CEQA Findings"), which documents are on file with the Clerk of the Board of  
25 Supervisors in File No. 221216 and is incorporated herein by reference.

1 (d) The Successor Agency, as lead agency under CEQA and in consultation with the  
2 Planning Department, prepared Addendum No. 10 to the EIS/EIR, dated October 26, 2022  
3 (“Addendum”). The Addendum evaluates the environmental effects of the Block 2 Project.

4 (e) On November 1, 2022, after a duly noticed public hearing, the OCII Commission  
5 determined, by Resolution No. 39-2022, that: the Block 2 Project would not cause new  
6 significant impacts that were not identified in the EIS/EIR; the Block 2 Project would not cause  
7 significant impacts that were previously identified in the EIS/EIR to become substantially more  
8 severe; no new mitigation measures would be necessary to reduce significant impacts; no  
9 changes have occurred with respect to circumstances surrounding the Block 2 Project that  
10 would cause significant environmental impacts to which the Project would contribute  
11 considerably; and no new information has become available that shows that the Block 2  
12 Project would cause significant environmental impacts. For these reasons, no supplemental  
13 environmental review is required. This determination is on file with the Clerk of the Board of  
14 Supervisors in File No. 221216 and is incorporated herein by reference.

15 (f) The Board of Supervisors, acting in its capacity as a responsible agency under  
16 CEQA, has reviewed and considered the EIS/EIR and the Addendum, and hereby adopts the  
17 CEQA findings set forth in OCII Commission Resolution No. 39-2022 and Planning  
18 Commission Motion No. 21213 and hereby incorporates such findings by reference as though  
19 fully set forth in this ordinance.

20 (g) On December 1, 2022, the Planning Commission, in Motion No. 21213, adopted  
21 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
22 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board  
23 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
24 Board of Supervisors in File No. 221216, and is incorporated herein by reference.

1 Section 3. Purpose and Intent. The purpose and intent of the Board of Supervisors  
2 with respect to the Plan Amendment is to increase the maximum floor plate sizes for buildings  
3 on Block 2, as described above, for the purpose of allowing the Successor Agency to consider  
4 approval of the Block 2 Project, and to increase the amount of affordable housing on Block 2,  
5 which will contribute to and complement the overall goals and objectives of the  
6 Redevelopment Plan, facilitate the Successor Agency's actions to complete the Affordable  
7 Housing Obligation, and expeditiously wind down the activities of the dissolved redevelopment  
8 agency as required under Redevelopment Dissolution Law.

9  
10 Section 4. Plan Incorporation by Reference. The Redevelopment Plan as amended by  
11 this ordinance is incorporated in and made a part of this ordinance by this reference with the  
12 same force and effect as though set forth fully in this ordinance.

13  
14 Section 5. Redevelopment Plan Amendment. Subsection 3.5.2 of the  
15 Redevelopment Plan is hereby amended to read as follows:

16  
17 **3.5.2 Height and Size of Buildings**

18 The Zone One Plan Map and the table and text below illustrate the heights and floor  
19 plate sizes permitted for residential buildings in Zone One.

20 **Maximum Floor Plates for Residential Buildings**

<i>Building Height (feet)</i>	<i>Maximum Floor Plate Size (square feet)</i>
85 – 250	7,500*
251 – 300	10,000
301 – 350	10,500
351 - 400	11,000
401 – 450	11,500
451 – 500	12,000
501 – 550	13,000

\* On Transbay Block 2, a Maximum Floor Plate Size of 11,100 square feet is permitted for the portion of the building between 85 feet and 144 feet in height and a Maximum Floor Plate Size of 9,200 square feet is permitted for the portion of the building between 144 feet and 165 feet in height.

For residential towers above 500 feet in total height, the average floor plate size of the portion of the tower above 350 feet must not exceed 12,000 square feet. Below 85 feet, no bulk controls will apply.

\* \* \* \*

Section 6. Further Findings and Determinations Under Community Redevelopment Law. To the extent required by the Community Redevelopment Law, the Board of Supervisors hereby further finds, determines, and declares, based on the record before it, including but not limited to information contained in the Report on the Plan Amendment, that:

(a) The purpose of the Plan Amendment is to increase, on Block 2 in Zone One of the Project Area, the number of residential units in a larger, mid-rise building, which would be consistent with the Redevelopment Plan goals and objectives, provide a significant amount of affordable housing, and comply with the Redevelopment Dissolution Law's requirements for expeditious completion of enforceable obligations.

(b) The adoption and carrying out of the Plan Amendment are economically sound and feasible. The Plan Amendment does not propose any new capital expenditures by the Successor Agency, involve any new indebtedness or financial obligation of the Successor Agency, or change the Successor Agency's overall method of financing the redevelopment of the Project Area. By facilitating increased density on Block 2, the Plan Amendment provides for greater efficiencies in the Successor Agency's efforts to comply with the Transbay Affordable Housing Obligation. The Successor Agency has taken and will take steps to fund the Block 2 Project in compliance with existing enforceable obligations.

1 (c) Although significant improvements have occurred in the Project Area since  
2 adoption of the Redevelopment Plan, Block 2 remains an undeveloped and blighted area  
3 previously used as the temporary Transbay Bus Terminal, and is currently vacant. The Plan  
4 Amendment will alleviate the adverse physical and economic conditions on Block 2 by  
5 maximizing developable square feet and increasing dwelling unit count.

6 (d) For the reasons set forth in Sections 1 and 2 of this ordinance, the Plan  
7 Amendment is consistent with the General Plan and is consistent with the priority policies in  
8 Planning Code Section 101.1, based on the findings set forth in Planning Commission Motion  
9 No. 21213, which findings this Board has incorporated as its own.

10 (e) The Plan Amendment will not adversely affect the physical or social quality of the  
11 neighborhood, nor will it cause the destruction or removal of housing units from the low- and  
12 moderate-income housing market or displacement of low- or moderate-income housing.  
13 Rather, the Plan Amendment, by facilitating a greater density of development at a site  
14 designated for residential use, will increase the supply of affordable housing in the Project  
15 Area.

16 (f) The carrying out of the Plan Amendment will promote the public peace, health,  
17 safety, and welfare of the community and would effectuate the purposes and policy of the  
18 Community Redevelopment Law, as amended by the Redevelopment Dissolution Law.

19  
20 Section 7. Official Plan. As required by Health and Safety Code Sections 33457.1 and  
21 33367, the Board of Supervisors hereby approves and adopts the Redevelopment Plan, as  
22 amended by the Plan Amendment, as the official redevelopment plan for the Project Area.

23  
24 Section 8. Continued Effect of Previous Ordinances as Amended. Ordinance Nos.  
25 124-05, 99-06, 84-15, and 62-16 remain in full force and effect as amended by this Ordinance.

1  
2           Section 9.   Transmittal of Plan as Amended. The Clerk of the Board of Supervisors  
3 shall without delay: (a) transmit a copy of this ordinance to the Successor Agency, whereupon  
4 the Successor Agency shall be vested with the responsibility for carrying out the  
5 Redevelopment Plan as amended; and (b) record or ensure that the Successor Agency  
6 records a notice of the approval and adoption of the Plan Amendment pursuant to this  
7 ordinance, containing a statement that the proceedings for the redevelopment of the Project  
8 Area pursuant to the Plan Amendment have been instituted as required under Community  
9 Redevelopment Law.

10  
11           Section 10. Effective Date. In accordance with Sections 33378(b)(2) and 33450 of the  
12 Community Redevelopment Law, this ordinance shall become effective 90 days from the date  
13 of enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
15 of Supervisors overrides the Mayor's veto of the ordinance.

16  
17           Section 11. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
18 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
19 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the  
20 Redevelopment Plan that are explicitly shown in this ordinance as additions, deletions, Board  
21 amendment additions, and Board amendment deletions in accordance with the "Note" that  
22 appears under the official title of the ordinance.

1 APPROVED AS TO FORM:  
2 DAVID CHIU, City Attorney

3 By: /s/ Peter R. Miljanich  
4 PETER R. MILJANICH  
5 Deputy City Attorney

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City and County of San Francisco

Tails  
Ordinance

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 221216

Date Passed: January 24, 2023

Ordinance approving an amendment to the Redevelopment Plan for the Transbay Redevelopment Project Area to increase bulk limits on Block 2 of Zone One of the Transbay Redevelopment Project Area (Assessor's Parcel Block No. 3739, Lot No. 014, located on the north side of Folsom Street between Beale and Main Streets), by increasing certain maximum floor plate sizes; making findings under the California Community Redevelopment Law; making findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

January 10, 2023 Board of Supervisors - PASSED ON FIRST READING

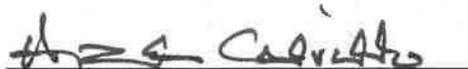
Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

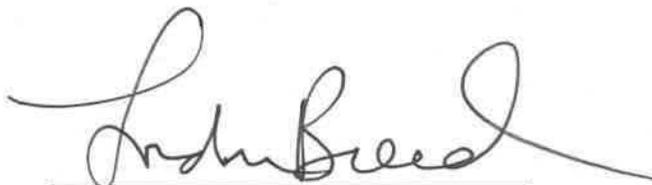
January 24, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 221216

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/24/2023 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
London N. Breed  
Mayor

2/3/23  
Date Approved

1 [Affirm certification of the final environmental impact report for the Transbay Terminal.]

2  
3 **Motion affirming the Planning Commission certification of the final environmental**  
4 **impact report for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment**  
5 **Project.**

6  
7 WHEREAS, The Transbay Joint Powers Authority is the project sponsor for the  
8 reconstruction of the Transbay Terminal, which is located at 425 Mission Street; Caltrain  
9 Downtown Extension; and various related actions (the "Transbay Terminal Component"). The  
10 project also includes the Transbay Redevelopment Plan, which is jointly sponsored by the City  
11 and County of San Francisco and the San Francisco Redevelopment Agency. (The Transbay  
12 Terminal Component and the Transbay Redevelopment Plan shall be collectively referred to  
13 herein as the "Project".); and

14 WHEREAS, Upon initiation of the environmental review for the Project, the San  
15 Francisco Planning Department (the "Department") determined that an environmental impact  
16 report ("EIR") was required, created City Planning File No. 2000.048E, and provided public  
17 notice of that determination by publication in a newspaper of general circulation on March 17,  
18 2001. The EIR has three co-lead agencies: the City and County of San Francisco, the San  
19 Francisco Redevelopment Agency, and the Peninsula Corridor Joint Powers Board ("JPB");  
20 and

21 WHEREAS, Because the Transbay Terminal Component will obtain funding from the  
22 Federal Transit Administration (the "FTA"), and due to the potential environmental impacts of  
23 the Transbay Terminal Component, the FTA determined that a federal environmental impact  
24 statement ("EIS") was required. On March 28, 2001, the FTA published in the federal register  
25 a notice of intent to prepare an EIS; and

1           WHEREAS, The three co-lead agencies and the FTA agreed to combine the federal  
2 and State environmental review documents into a single joint EIS/EIR; and

3           WHEREAS, On October 5, 2002, the Department published a draft EIS/EIR and  
4 provided notice of the availability of the document for public review and comment. A copy of  
5 said document is on file with the Clerk of the Board of Supervisors in File No. 040616 and is  
6 incorporated herein by reference; and

7           WHEREAS, On November 26, 2002, the Planning Commission (the "Commission")  
8 held a duly noticed public hearing on the draft EIS/EIR. The Redevelopment Agency, on  
9 November 11, 2002, and the JPB staff, on November 13, 2002, each held an additional duly  
10 noticed public hearing on the draft EIS/EIR; and

11           WHEREAS, On December 20, 2002, the 77-day public comment period on the draft  
12 EIS/EIR ended; and

13           WHEREAS, On March 28, 2003, in Resolution No. 03-001, the Transbay Joint Powers  
14 Authority, following FTA guidelines and regulations, adopted the locally preferred alternative  
15 for inclusion in the Final EIS/EIR. The locally preferred alternative consists of the "West  
16 Ramp" Transbay Terminal, "Second Street-to-Main Street" track alignment, "Tunneling", and  
17 "Full Build" program for the Transbay Redevelopment Plan. A copy of said document is on file  
18 with the Clerk of the Board of Supervisors in File No. 040616 and is incorporated herein by  
19 reference; and

20           WHEREAS, On March 24, 2004, the Department published a "Draft Summary of  
21 Comments and Responses" on the draft EIS/EIR (Volume II). On this same date, the  
22 Department also published revisions to the draft EIS/EIR (Volume I) that included refinements  
23 to the Project analyzed and staff-initiated text changes to take into account concerns that  
24 commentors had raised. Both Volumes I and II were distributed to the Commission and other  
25 co-lead agencies and to all parties who commented on the draft EIS/EIR. Copies of said

1 on file with the Clerk of the Board in File No. 040616 and is incorporated herein by reference;  
2 and

3 WHEREAS, By separate letters to the Clerk of the Board of Supervisors dated May 10,  
4 2004, Oliver L. Holmes, on behalf of unidentified individuals and entities that will be impacted  
5 by the Transbay Terminal project, and Timothy A. Tosta, on behalf of Myers Natoma Venture  
6 and Myers Development Company, filed timely appeals of the Final EIR certification to the  
7 Board of Supervisors. On May 12, 2004, Joseph J. Brecher, on behalf of various Stillman  
8 Street and Clocktower Loft residents and businesses, also filed a timely appeal of the Final  
9 EIR certification; and

10 WHEREAS, On ~~June 8, 2004~~ June 15, 2004, this Board held a duly notice public  
11 hearing to consider the appeal of the Final EIR certification; and

12 WHEREAS, This Board has reviewed and considered the Final EIS/EIR and heard  
13 testimony and received public comment regarding the adequacy of this document; and

14 WHEREAS, The Final EIS/EIR files and all correspondence and other documents have  
15 been made available for review by this Board and the public. These files are available for  
16 public review by appointment at the Planning Department offices at 1660 Mission Street and  
17 are made part of the record before this Board by reference herein; and

18 WHEREAS, Since the Planning Commission action on the Final EIR, there is no new  
19 information of significance that would require a substantial revision to the Final EIR and  
20 necessitate recirculation of said document pursuant to CEQA Guidelines section 15088.5;  
21 now, therefore, be it

22 MOVED, That based on substantial evidence in light of the whole record, this Board of  
23 Supervisors finds that: 1) the Final EIR reflects its independent judgment and analysis and is  
24 adequate, accurate, and objective; 2) the Final EIR is sufficient as an informational document  
25 and its conclusions are correct; and 3) the findings contained in the Planning Commission

1 certification are correct; and this Board hereby affirms the decision of the Planning  
2 Commission in its Motion No. 16773 to certify the Final EIR in compliance with CEQA, the  
3 CEQA Guidelines, and Chapter 31.

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# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Motion

**File Number:** 040629

**Date Passed:** June 15, 2004

Motion affirming the Planning Commission certification of the final environmental impact report for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project.

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June 8, 2004 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell,  
McGoldrick, Peskin, Sandoval  
Excused: 1 - Hall

June 15, 2004 Board of Supervisors — AMENDED

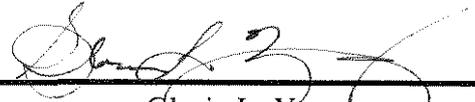
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell,  
McGoldrick, Peskin, Sandoval

June 15, 2004 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell,  
McGoldrick, Peskin, Sandoval

File No. 040629

I hereby certify that the foregoing Motion was APPROVED on June 15, 2004 by the Board of Supervisors of the City and County of San Francisco.



---

Gloria L. Young  
Clerk of the Board

1 [Eminent Domain – Resolution of Necessity]

2  
3 **Resolution authorizing acquisition of Lots 45A, 46, 53, and 54 in Assessor's Block 3721**  
4 **in San Francisco by Eminent Domain for the Transbay Terminal/Caltrain Downtown**  
5 **Extension/Redevelopment Project; adopting environmental findings under the**  
6 **California Environmental Quality Act, State Guidelines, and Administrative Code**  
7 **Chapter 31; and adopting findings under the General Plan and City Planning Code**  
8 **Section 101.1.**

9 WHEREAS, The Transbay Terminal/Caltrain Downtown Extension/Redevelopment  
10 Project (the "Project") consists of a new Transbay Terminal at its current site; the extension of  
11 Caltrain and accommodation of high speed passenger trains into a new Terminal building; a  
12 temporary terminal on the block bounded by Main, Beale, Folsom, and Mission Streets;  
13 reconstructed bus ramps from the permanent terminal to the Bay Bridge; an offsite bus  
14 storage/layover area under Highway Route 80 on the two blocks bounded by Perry, Stillman,  
15 2<sup>nd</sup> and 4<sup>th</sup> Streets; a Caltrain storage yard and station near 4<sup>th</sup> and Townsend Street; and the  
16 Transbay Redevelopment Plan; and

17 WHEREAS, The actions listed in Attachment A and incorporated by reference (the  
18 "Actions") are part of a series of considerations in connection with the approval and  
19 implementation of the Project, as more particularly defined in Attachment A (the  
20 "Environmental Findings"). A copy of Attachment A is on file with the Clerk of the Board of  
21 Supervisors in File No. 041079; and

22 WHEREAS, On April 22, 2004, the Planning Commission (the "Commission") and the  
23 Peninsula Corridor Joint Powers Board (the "JPB"), at a duly noticed joint public hearing,  
24 considered the certification of the final environmental impact statement/environmental impact  
25 report for the Project (the "Final EIS/EIR") (SCH No. 95063004), which consisted of the draft

Supervisor Daly, Ammiando, Duffy  
BOARD OF SUPERVISORS

1 EIS/EIR, the Draft Summary of Comments and Responses, revisions to the draft EIS/EIR, and  
2 related documents. A copy of the Final EIS/EIR is on file with the Clerk of the Board in File  
3 No. 041079 and is incorporated herein by reference; and

4 WHEREAS, On April 22, 2004, in Motion No. 16773, the Commission found that the  
5 contents of the Final EIS/EIR and the procedures through which it was prepared, publicized,  
6 and reviewed complied with the provisions of the California Environmental Quality Act (Cal.  
7 Public Resources Code sections 21000 et seq. ["CEQA"]), the State CEQA Guidelines (Cal.  
8 Code of Regulations Title 14, sections 15000 et seq. ["CEQA Guidelines"]), and Chapter 31 of  
9 the San Francisco Administrative Code ("Chapter 31"); and

10 WHEREAS, By Motion No. 16773, the Commission also found that the Final EIS/FEIR  
11 reflected its independent judgment and analysis and was adequate, accurate, and objective,  
12 and certified the Final EIR in compliance with CEQA, the CEQA Guidelines, and Chapter 31.  
13 Motion No. 16773 is on file with the Clerk of the Board in File No. 040616 and is incorporated  
14 by reference; and

15 WHEREAS, On April 22, 2004, in Resolution No. 2004-11, the JPB also certified the  
16 Final EIR and made findings similar to those of the Commission in regard to CEQA and the  
17 CEQA Guidelines. Motion No. 16773 is on file with the Clerk of the Board in File No. 040616  
18 and is incorporated by reference; and

19 WHEREAS, On April 20, 2004, in Resolution No. 45-2004, the San Francisco  
20 Redevelopment Agency, at a duly noticed public hearing, also certified the Final EIR and  
21 made findings similar to those of the Commission and JPB in regard to CEQA and the CEQA  
22 Guidelines. Resolution No. 45-2004 is on file with the Clerk of the Board in File No. 040616  
23 and is incorporated by reference; and

24 WHEREAS, On April 22, 2004, at a duly noticed public hearing, the Transbay Joint  
25 Powers Authority (the "TJPA"), in Resolution No. 04-004, approved the components of the

1 Project within its jurisdiction. Resolution No. 04-004 is on file with the Clerk of the Board in  
2 File No. 041079 and is incorporated by reference; and

3 WHEREAS, On June 15, 2004, at a duly noticed hearing concerning appeals of the  
4 Commission certification of the Final EIR, this Board affirmed the Commission's certification of  
5 the Final EIR and rejected the appeals in Motion No. 04-67. Motion No. 04-67 is on file with  
6 the Clerk of the Board in File No. 040629 and is incorporated by reference; and

7 WHEREAS, The Final EIS/EIR files and other Project-related Planning Department  
8 files are available for review by this Board of Supervisors and the public. The Planning  
9 Department files are available at 1660 Mission Street. Those files are part of the record  
10 before this Board of Supervisors and are incorporated by reference; now, therefore, be it

11 RESOLVED, That this Board of Supervisors finds on the basis of substantial evidence  
12 in light of the whole record that: (1) modifications incorporated into the Project and reflected in  
13 the Actions will not require important revisions to the Final EIS/EIR due to the involvement of  
14 new significant environmental effects or substantial increase in the severity of previously  
15 identified significant effects; (2) no substantial changes have occurred with respect to the  
16 circumstances under which the Project or the Actions were undertaken which would require  
17 major revisions to the Final EIS/EIR due to the involvement of new significant environmental  
18 effects, or a substantial increase in the severity of effects identified in the Final EIS/EIR; and  
19 (3) no new information of substantial importance to the Project or the Actions has become  
20 available since the Commission's certification of the Final EIR that would indicate (a) the  
21 Project or the Actions will have significant effects not discussed in the Final EIS/EIR;  
22 (b) significant environmental effects will be substantially more severe; (c) mitigation measures  
23 or alternatives found not feasible which would reduce one or more significant effects have  
24 become feasible; or (d) mitigation measures or alternatives which are considerably different  
25

1 from those in the Final EIS/EIR would substantially reduce one or more significant effects on  
2 the environment; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors reviewed and considered the  
4 Final EIS/EIR and hereby adopts the Environmental Findings in Attachment A, which includes  
5 rejection of Project alternatives, adoption of mitigation measures, and approval of a statement  
6 of overriding considerations in regard to significant unavoidable impacts. Attachment A also  
7 includes Exhibits 1 (Final EIS/EIR Mitigation Measures) and 2 (Transbay Terminal Project  
8 Mitigation Monitoring and Reporting Program); and, be it

9 FURTHER RESOLVED, That the Project fulfills the mandates of various local and  
10 State laws including San Francisco's Proposition H-Downtown Caltrain Station (November  
11 1999), Proposition K-San Francisco Transportation Sales Tax (November 2002), California  
12 Public Resources Code Section 5027.1 (a), and California Streets and Highways Code  
13 Sections 2704.04 (b) and 30914 (c), all of which concern reconstruction of the Transbay  
14 Terminal at its current site and the Terminal's accommodation of a Caltrain extension and  
15 high speed passenger rail line; and, be it

16 FURTHER RESOLVED, That the public interest and necessity require the acquisition  
17 by eminent domain by the City and County of San Francisco, a municipal corporation, of the  
18 following described real property and any and all improvements and fixtures thereon, situated  
19 in the City (the "Property")

<u>Assessor's Block No.</u>	<u>Lot Nos.</u>
3721	45A, 46, 53, 54

22 and, be it

23 FURTHER RESOLVED, That the TJPA intends to use the Property for the extension of  
24 the Caltrain to a new Transbay Terminal and for portions of the new Transbay Terminal; and,  
25 be it

1 FURTHER RESOLVED, That the Director of Planning in his letter dated August ,  
2 2004, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 041079,  
3 found that the acquisition of the Property is consistent with the City's General Plan and with  
4 the Eight Priority Policies of City Planning Code Section 101.1; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors now adopts as its own and  
6 incorporates by reference the Director of Planning's findings of consistency with the City's  
7 General Plan and the Eight Priority Policies of City Planning Code Section 101.1; and, be it

8 FURTHER RESOLVED, That acquisition of the Property by eminent domain is  
9 planned or located in the manner that will be most compatible with the greatest public good  
10 and the least private injury; and, be it

11 FURTHER RESOLVED, That acquisition of the Property by eminent domain is  
12 necessary for the public use of the City for the Project; and, be it

13 FURTHER RESOLVED, That the TJPA has made the offer to the owner of record of  
14 the Property as required by California Government Code Section 7267.2; and, be it

15 FURTHER RESOLVED, That, as provided under Sections 37350.5, 37351, 37352,  
16 37352.1, 37353, 40401, 40404, and 65302(b) of the California Government Code, and  
17 Sections 1240.010 through 1240.050 of the California Code of Civil Procedure, which  
18 authorize the City to acquire the property by eminent domain, the City Attorney is hereby  
19 authorized and directed to commence proceedings in eminent domain against the owners of  
20 the Property, and any and all interests therein or claims thereto, for the condemnation thereof  
21 for the public use by the City for the Project.

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RECOMMENDED:

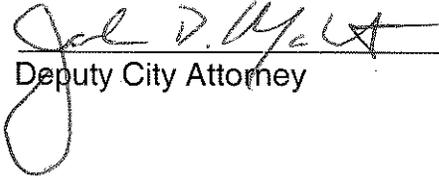
*see attached pass*

Maria Ayerdi, Executive Director, TJPA  
Under TJPA Commission Resolution No. \_\_\_\_\_

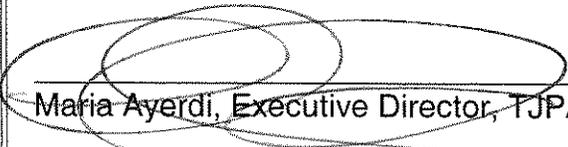
  
Director of Property

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By:   
Deputy City Attorney

1 RECOMMENDED:

2  
3   
4 ~~Maria Ayerdi, Executive Director, TJPA~~

5 Under TJPA Commission Resolution No. 04-010

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# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Resolution

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**File Number:** 041079

**Date Passed:**

Resolution authorizing acquisition of Lots 45A, 46, 53, and 54 in Assessor's Block 3721 in San Francisco by Eminent Domain for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project; adopting environmental findings under the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31; and adopting findings under the General Plan and City Planning Code Section 101.1.

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August 17, 2004 Board of Supervisors — CONTINUED

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 2 - Daly, Dufty

September 21, 2004 Board of Supervisors — CONTINUED

Ayes: 8 - Alioto-Pier, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 3 - Ammiano, Daly, Dufty

September 28, 2004 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

File No. 041079

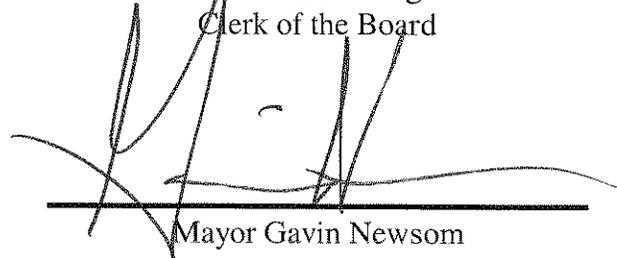
I hereby certify that the foregoing Resolution was ADOPTED on September 28, 2004 by the Board of Supervisors of the City and County of San Francisco.

October 7, 2004

Date Approved



Gloria L. Young  
Clerk of the Board



Mayor Gavin Newsom

## **RESOLUTION NO. 11-2005**

Adopted January 25, 2005

### **ADOPTING ENVIRONMENTAL FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE CEQA GUIDELINES IN CONNECTION WITH THE ADOPTION OF A REDEVELOPMENT PLAN FOR THE PROPOSED TRANSBAY REDEVELOPMENT PROJECT AND RELATED DOCUMENTS AND ACTIONS; TRANSBAY REDEVELOPMENT PROJECT AREA**

#### **BASIS FOR RESOLUTION**

1. The Transbay Terminal/Caltrain Downtown Extension/ Redevelopment Project (the "Project") is a project subject to the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA"), whose principal components are a new Transbay Terminal at its current site, the extension of the Caltrain rail and accommodation of high speed passenger trains into a new Terminal building, a temporary terminal on the block bounded by Main, Beale, Folsom, and Mission Streets; reconstructed bus ramps from the permanent terminal to the Bay Bridge, an offsite bus storage/layover area under Highway Route 80 on the two blocks bounded by Perry, Stillman, 2<sup>nd</sup> and 4<sup>th</sup> Streets, a Caltrain storage yard and station near 4<sup>th</sup> and Townsend Street, and the adoption and implementation of a redevelopment plan for the Transbay Redevelopment Project ("Transbay Redevelopment Plan"), establishing the Transbay Redevelopment Project Area (the "Project Area").
2. The approval of the Project requires a number of actions by various public agencies which include the approval and implementation of the Transbay Redevelopment Plan and other actions (the "Actions") by the Redevelopment Agency of the City and County of San Francisco ("Redevelopment Agency"), more particularly defined in Attachment A, the CEQA Findings attached and incorporated hereto.
3. The City and County of San Francisco, acting through the Planning Department (the "Planning Department") and its Board of Supervisors, the Redevelopment Agency, and the Peninsula Corridor Joint Powers Board ("JPB"), acting as co-Lead Agencies, have previously certified the final environmental impact statement/environmental impact report for the Project (the "Final EIS/EIR"), which consisted of the draft EIS/EIR, the Draft Summary of Comments and Responses, revisions to the draft EIS/EIR, and related documents as follows:
  - A. On April 20, 2004, the Agency, at a duly noticed public hearing, certified the Final EIR by adoption of Resolution No. 45-2004, which found that

the contents of the Final EIS/EIR and the procedures through which it was prepared, publicized, and reviewed complied with the provisions of the California Environmental Quality Act (Cal. Public Resources Code sections 21000 et seq., hereinafter "CEQA") and the State CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq., hereinafter "CEQA Guidelines").

- B. On April 22, 2004, at a duly noticed joint public hearing, the Planning Commission and the Peninsula Corridor Joint Powers Board certified the Final EIR and made similar findings to those of the Agency in regard to CEQA and the CEQA Guidelines.
  - C. On June 15, 2004, at a duly noticed hearing concerning appeals of the Planning Commission's certification of the Final EIR, the Board of Supervisors, in Motion No. 04-67, rejected appeals from such certification and affirmed the Commission's certification of the Final EIR.
4. On April 22, 2004, pursuant to Federal Transit Administration guidelines and regulations, TJPA held a public hearing and adopted its Resolution No. 04-004, which approved the Preferred Project alternative (described in more detail in Attachment A, the CEQA Findings) that contains the following major components.
- A. A new, multi-modal Transbay Terminal on the site of the present Transbay Terminal;
  - B. Extension of Caltrain commuter rail service from its current San Francisco terminus at Fourth and Townsend Streets to a new underground terminus underneath the proposed new Transbay Terminal; and
  - C. Establishment of the Transbay Redevelopment Plan, which provides for the new multi-modal Transbay Terminal and related development projects, including transit-oriented development on publicly owned land in the vicinity of the new Transbay Terminal.
5. The Final EIS/EIR is a project EIR for the Transbay Redevelopment Plan and related documents, prepared pursuant to Public Resources Code section 21090 and State CEQA Guidelines section 15180 and is also a Program EIR for the Project pursuant to State CEQA Guidelines section 15168.
6. The Final EIS/EIR files and other Project-related Agency files are available for review by this Agency and the public are available at 770 Golden Gate Avenue, 3<sup>rd</sup> Floor, and are incorporated by this reference as a part of the record before the Redevelopment Agency pertaining to the Project (collectively referred to as the "Project Record").

## **RESOLUTION**

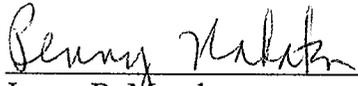
**ACCORDINGLY IT IS RESOLVED** by the Redevelopment Agency of the City and County of San Francisco as follows, based on its review and its review and consideration of the Final EIS/EIR, the Project Record, and the proposed Transbay Redevelopment Plan:

1. The environmental impacts of the Preferred Project alternative approved by TJPA as the Project are within the scope of the environmental impacts analyzed in the Final EIS/EIR, therefore no subsequent EIR is necessary or appropriate, based on Attachment A, the CEQA Findings, which support the following determinations:
  - A. Such modifications do not require important revisions to the Final EIS/EIR due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects.
  - B. No substantial changes have occurred with respect to the circumstances pertaining to the Project or the Actions which would require major revisions to the Final EIS/EIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the Final EIS/EIR.
  - C. No new information of substantial importance to the Project or the Actions has become available since the Agency's certification of the Final EIR that would indicate any of the following:
    - i. The Project or the Actions will have significant effects not discussed in the Final EIS/EIR;
    - ii. Significant environmental effects will be substantially more severe than discussed in the Final EIS/EIR;
    - iii. Mitigation measures or alternatives found not feasible in Attachment A, the CEQA Findings, which would reduce one or more significant effects have become feasible; and
    - iv. Mitigation measures or alternatives which are considerably different from those in the Final EIS/EIR, that would substantially reduce one or more significant unavoidable effects on the environment, have been identified.
2. The Redevelopment Agency hereby adopts Attachment A, the CEQA Findings, as its CEQA findings, which include determinations concerning consideration and rejection of certain Project alternatives, description of Actions within the

Agency's jurisdiction, mitigation measures and also contains a statement of overriding considerations in regard to significant unavoidable impacts.

3. The Redevelopment Agency also adopts the mitigation measures described in Exhibit 1 to Attachment A, the Mitigation Measures Presented and Analyzed in Final EIS/EIR ("Mitigation Measures"), which are within the jurisdiction and authority of the Redevelopment Agency which are adopted by and the mitigation monitoring program contained in Exhibit 2 to Attachment A, the Mitigation Monitoring and Reporting Program.
4. The Redevelopment Agency also finds and determines that those mitigation measures described in the Mitigation Measures which are outside of the Redevelopment Agency's jurisdiction have been adopted by the TJPA in Resolution No. 04-004 and by the City and County of San Francisco.

**APPROVED AS TO FORM:**

  
for James B. Morales  
Agency General Counsel

## ATTACHMENT A

### TRANSBAY TERMINAL / CALTRAIN DOWNTOWN EXTENSION / REDEVELOPMENT PROJECT

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

#### REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO

### 1. INTRODUCTION

These Findings are made by the Redevelopment Agency of the City and County of San Francisco (the "Agency") pursuant to the California Environmental Quality Act, California Public Resources Code section 21000 et seq. ("CEQA") with respect to the Transbay Terminal/ Caltrain Downtown Extension/ Redevelopment Project ("Project"), in light of substantial evidence in the record of Project proceedings, including but not limited to, the Final Environmental Impact Statement/Final Environmental Impact Report ("EIS/EIR") prepared pursuant to CEQA, the State CEQA Guidelines, 14 California Code of Regulations Sections 15000 et seq., (the "CEQA Guidelines"), the requirements of the National Environmental Policy Act of 1969, §102 (42 U.S.C. §4332); Federal Transit Laws (49 U.S.C. §5301(e), §5323(b) and §5324(b)); Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. §303); National Historic Preservation Act of 1966, §106 (16 U.S.C. §470f); 40 CFR Parts 1500-1508; 23 CFR Part 771; and Executive Order 12898 (Environmental Justice)..

This document is organized as follows:

Article 2 describes the Project.

Article 3 describes the actions to be taken by the Agency.

Article 4 provides the basis for approval of the Project (the Locally Preferred Alternative identified in the Final EIS/EIR), a description of each alternative, and the economic, legal, social, technological, and other considerations that lead to the rejection of such alternatives as infeasible.

Article 5 sets forth Findings as to the disposition of each of the mitigation measures proposed in the Final EIS/EIR. Mitigation measures are grouped in the following categories:

- (1) Measures which are within the jurisdiction and responsibility of another governmental agency and which are recommended by the Agency for adoption by that agency; and
- (2) Measures which are within the jurisdiction and responsibility of the Transbay Joint Powers Authority (the "TJPA") that the TJPA adopted and incorporated into the Project by its Resolution No. 04-004, which is incorporated herein by reference; and,

Article 6 identifies the unavoidable, significant adverse impacts of the Project that have not been mitigated to a level of insignificance by the adoption of mitigation measures as provided in Article 5.

Article 7 contains a Statement of Overriding Considerations, setting forth specific reasons in support of the Agency's actions in light of the significant unavoidable impacts discussed in Article 6.

Exhibit 1, attached to these Findings, is a reference document that contains a statement of each mitigation measure. It shows mitigation measures, grouped by subject, in the order that they are proposed and analyzed in the Final EIS/EIR. Exhibit 2, also attached, contains the Mitigation Monitoring and Reporting Program. It provides a table specifying the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule.

## **2. PROJECT DESCRIPTION**

### **2.1 Project Approvals**

The Project consists of a series of actions that together define the terms under which the Project will occur (collectively the "Project Approvals"). The primary Project Sponsor for the elements of the Project related directly to the Transbay Terminal is the Transbay Joint Powers Authority ("TJPA"). The primary Project Sponsor for the Transbay Redevelopment Project Area Plan is the Agency.

The City and County of San Francisco, the Peninsula Corridor Joint Powers Board, and other governmental agencies and districts will be taking various approval actions related to the Project. The Project is composed of the following major permits and approvals, and related and collateral actions:

- 2.2.1 Adoption of the Transbay Redevelopment Project Area Plan.
- 2.1.2 Amendments to the General Plan of the City and County of San Francisco;
- 2.1.3 Amendments to the Zoning Map of the City and County of San Francisco;
- 2.1.4 Adoption of General Plan consistency/Planning Code § 101.1 findings in regard to various actions;
- 2.1.5 Approval of the Locally Preferred Alternative (LPA) elements as follows: West Ramp Transbay Terminal, Second-to-Main, Tunneling, and Full Build as the Preferred Terminal Project.
  - A. Acquisition of real property or easements that also may include eminent domain related to the terminal design or track alignments.
  - B. Granting of rights to use City right-of-way for rail purposes.

These approvals, along with implementation actions related thereto, are referred to collectively herein as the "Project." As described in Article III, actions related to general implementation of the Project and number 1 and potential number 6 are or will be before the Agency.

### **2.2 Project Description's Relationship to the Final EIS/EIR**

The Project, described in detail below, is based on the Project Description contained in the Final EIS/EIR. Also, as set forth below, the TJPA, after a duly noticed public hearing on April 22, 2004 adopted the Locally Preferred Alternative as the Preferred Project in Resolution No. 04-004. The Project would be located in downtown San Francisco and has three major components:

- A new, multi-modal Transbay Terminal on the site of the present Transbay Terminal;

- Extension of Caltrain commuter rail service from its current San Francisco terminus at Fourth and Townsend Streets to a new underground terminus underneath the proposed new Transbay Terminal; and
- Establishment of a Redevelopment Area Plan with related development projects, including transit-oriented development on publicly owned land in the vicinity of the new multi-modal Transbay Terminal.

### 2.3 Public Review of Draft EIS/EIR

A Draft Environmental Impact Statement/Environmental Impact Report ("Draft EIS/EIR") was prepared and distributed to the public on October 4, 2002. Notice of availability of the Draft EIS/EIR was published in the San Francisco Independent newspaper and posted at the Planning Department. Five hundred fifty newsletters were sent to the mailing list announcing the availability of the Draft EIS/EIR, and a letter was sent directly to property owners whose properties could be directly affected by the Project. Over fifty 11" x 17" posters were posted throughout the Project area, including around the Caltrain terminal at 4<sup>th</sup> and Townsend Streets, along Second Street, around the Transbay Terminal and throughout the Redevelopment Project Area. Notices were sent to all property owners within 300 feet of the Project boundary. The Draft EIS/EIR was available for on-line review on the TJPA web site. Three hundred eighty two copies, both printed and compact disc versions, of the Draft EIS/EIR were mailed to agencies and individuals.

The document also was available for review at the following locations:

- Peninsula Corridor Joint Power Board (Caltrain) Headquarters, Second Floor Reception, 1250 San Carlos Avenue, San Carlos;
- San Francisco Central Library, 100 Larkin Street;
- City of Berkeley Central Library, 2090 Kittredge Street;
- San Francisco Planning Department, 1660 Mission Street, First Floor Public Information Center;
- San Francisco Redevelopment Agency, 770 Golden Gate Avenue, 3<sup>rd</sup> Floor;
- AC Transit Headquarters, 1660 Franklin Street, Oakland (Board Secretary); and,
- Main libraries of cities along the Caltrain Corridor.

Three public hearings were held:

- November 12, 2002 at 5:00 pm – San Francisco Redevelopment Agency in San Francisco City Hall,
- November 13, 2002 at 7:00 pm (with an open house at 6:30 pm) – Caltrain Headquarters, San Carlos, California, and
- November 26, 2002 at 12:30 pm – San Francisco Planning Commission in San Francisco City Hall.

At the request of the public, the Planning Commission on November 26, 2002, extended the comment period until December 20, 2002.

## 2.4 EIR Certification

The Agency, on April 20, 2004, and the Planning Commission and the Peninsula Corridor Joint Powers Board, on April 22, 2004, adopted certain findings in regard to the Final EIS/EIR and certified said document as accurate, adequate, and complete in compliance with CEQA and the CEQA Guidelines. Three separate groups appealed the Planning Commission's certification to the San Francisco Board of Supervisors. On June 15, 2004, after a duly noticed public hearing, the San Francisco Board of Supervisors, in Motion No. M04-67, affirmed the Planning Commission certification of the final EIS/EIR and rejected the appeals.

## 3. **AGENCY ACTIONS**

The Agency is considering various actions ("Actions") in furtherance of the Project, which include the following:

- 3.1 Adoption of these CEQA Findings, including a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program;
- 3.2 Approval of all actions required under the California Community Redevelopment Law (Health and Safety Code Sections 33000 et seq.) for adoption of the Transbay Redevelopment Project Area Plan and related implementation actions; and
- 3.3 Acknowledgement and approval of the TJPA's Locally Preferred Alternative ("LPA" or also referred to as the "Preferred Project") elements as they relate to the Agency's action. These elements include the following: West Ramp Transbay Terminal, Second-to-Main, Tunneling, and Full Build as the Preferred Terminal Project. The Preferred Terminal Project also includes a temporary terminal on the block bounded by Main, Beale, Folsom and Mission Streets, reconstructed bus ramps from the permanent terminal to the Bay Bridge, an offsite bus storage/layover area under Route 80 on the two blocks bounded by Perry, Stillman, 2<sup>nd</sup> and 4<sup>th</sup> Streets, and a Caltrain storage yard and station near 4<sup>th</sup> and Townsend Streets.

## 4. **CONSIDERATION OF PROJECT ALTERNATIVES**

This Article describes the alternatives and design options selected for the Project as well as those rejected. Included in these descriptions are the reasons for selecting or rejecting the alternatives and design options. This Article also outlines the Project's purposes and needs to provide a context for understanding the reasons for selecting or rejecting alternatives, and describes the project alternative components analyzed in the Final EIS/EIR. The Project's Final EIS/EIR presents more details on selection and rejection of alternatives. Many of the alternatives and design options considered for this Project, together and individually, have been under serious consideration for many years as part of numerous environmental, engineering, and planning studies (outlined in the Final EIS/EIR Section 1.2.1).

The Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project is a large, complex, and highly interrelated project. In order to help the public and decision-makers better understand this project, the environmental analysis and planning studies were oriented towards three major components: the multi-modal Transbay Terminal, an underground extension of Caltrain to downtown San Francisco, and redevelopment of the Transbay Terminal area. For each of these components several alternatives and design options were considered in the Final EIS/EIR and in previous studies.

#### 4.1 Development of Project Alternatives

As outlined in Chapter 2, Section 2.3 of the Final EIS/EIR, the Project has been the subject to a long series of environmental, engineering, and planning studies. These studies were used to help identify a series of alternatives for evaluation in the Final EIS/EIR planning process that began in early 2000. The Project is a complex and highly interrelated undertaking consisting of a multi-modal transit terminal, an underground rail line extension, and redevelopment of the surrounding area. In order to maximize the public’s ability to understand and help plan the project, the lead agencies decided to present the Project as three main components. For each of the components several alternatives were considered in the EIS/EIR (a detailed analysis of the alternatives is presented in Chapter 2 of the Final EIS/EIR), including a No Project alternative (“No Project Alternative”). The EIS/EIR presents the Project alternatives as the following components and alternatives:

1. New Transbay Terminal Project Component

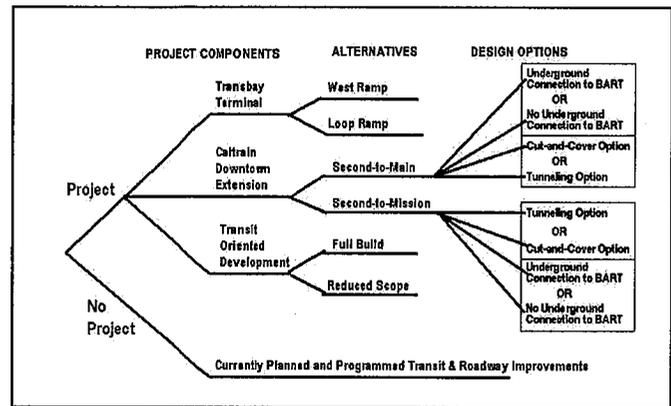
- West Ramp Alternative
- Loop Ramp Alternative

2. Redevelopment Project Area Plan Component

- Reduced Scope Alternative
- Full Build Alternative

3. Caltrain Downtown Extension Project Component

- 2nd-to-Main Alternative
- 2nd-to-Mission Alternative



Both alternatives for the Caltrain Extension include a design option for a pedestrian connection from the train mezzanine underneath Fremont Street to the BART Embarcadero Station.

In addition, two construction options were evaluated for the underground portion (from approximately Berry Street to the Transbay Terminal) of the Caltrain Extension:

- Cut-and-Cover Option – under this option cut-and-cover construction would be used for the entire length of underground alignment; or,
- Tunneling Option – under this option a tunnel would be constructed on the segment from Townsend/Clarance to Second/Folsom. Cut-and-cover construction would be used for all other underground construction.

Other components of the project include a temporary bus terminal facility to be used during construction, a new, permanent off-site bus storage/ layover facility, reconstructed bus ramps leading to the west end of the new Transbay Terminal, and a redesigned Caltrain storage yard.

The Draft EIS/EIR presented a complete analysis of the environmental impacts of these alternatives. During the Draft EIS/EIR comment period members of the public and agencies suggested several additional alternatives or refinements to the alternatives. These alternatives and refinements were considered by the lead agencies and used to help define the Locally Preferred Alternative (LPA).

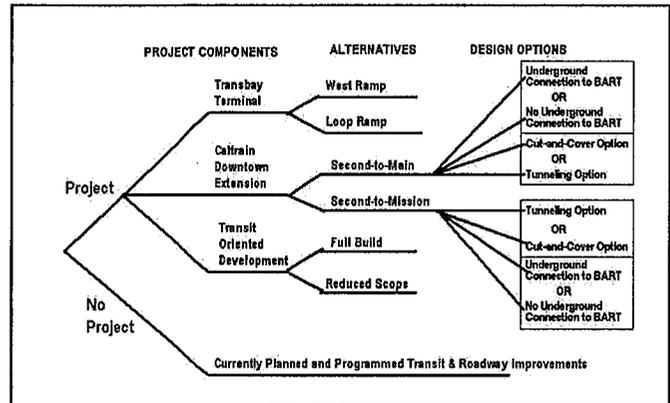
On March 28, 2003, the TJPA, following Federal Transit Administration guidelines and regulations, adopted the Project Locally Preferred Alternative (“LPA”) for inclusion in the Final EIS/EIR. The LPA Report (TJPA, March 2003) describes the characteristics, advantages and disadvantages regarding each of the alternatives. The TJPA selected the West Ramp Transbay Terminal, Second-to-Main, Tunneling, Full Build options as the LPA. The Final EIS/EIR describes the LPA impacts in detail.

On April 22, 2004, after a duly noticed public hearing, the TJPA, in Resolution No. 04-004, adopted the LPA design as its Preferred Project.

#### 4.2 Project Need, Purpose and Objectives

As noted previously, the Project is based generally on the Project Description presented in Chapter 2 of the Final EIS/EIR

The Project is needed because the present Transbay Terminal, which was built in 1939, does not meet current seismic safety or space utilization standards. The need to modernize the Transbay Terminal provides an opportunity to revitalize the surrounding area and to extend Caltrain service from its current terminus outside the downtown area into the San Francisco employment core.



The primary purposes of the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project are to:

- Improve public access to bus and rail services;
- Modernize the Transbay Terminal and improve service;
- Reduce non-transit vehicle usage; and
- Alleviate blight and revitalize the Transbay Terminal area.

Undertaking the Project components would address the following purposes and needs:

- Provide a multi-modal transit facility that meets future transit needs;
- Improve the Terminal as a place for passengers and the public to use and enjoy
- Alleviate the conditions of blight in the Transbay Terminal area;
- Revitalize the Transbay Terminal area with a more diverse mix of land uses that includes both market-rate and affordable housing;
- Facilitate transit use by developing housing in the area surrounding a major transit hub;
- Improve Caltrain service by providing direct access to downtown San Francisco;

- Enhance connectivity between Caltrain and other major transit systems including: BART, Muni, AC Transit, Golden Gate Transit, and Greyhound;
- Enable direct access to downtown San Francisco for future intercity and/or high-speed rail service;
- Accommodate projected growth in travel demand in the San Jose – San Francisco corridor;
- Reduce traffic congestion on US Highway 101 and I-280 between San Jose and San Francisco and other routes;
- Reduce vehicle hours of delay on major freeways in the Peninsula corridor;
- Improve regional air quality by reducing auto emissions;
- Support local economic development goals; and
- Enhance accessibility to employment, retail, and entertainment opportunities.

#### 4.3 Rejection of the No Project Alternative

The No Project Alternative consists of existing Caltrain service with funded improvements, and other committed bus, rail, and roadway improvements. It includes proposed development in San Francisco in the 2020 horizon year. Under this alternative the Agency would not implement a Redevelopment Plan for the Transbay Area, the state-owned properties in the Transbay Terminal would not be transferred to the TJPA and the City, and the existing Transbay Terminal would not be improved significantly beyond basic maintenance and required safety and accessibility improvements.

The No Project Alternative is rejected for the following reasons:

- Fails to Accommodate Year 2020 Transit Demand – The existing Transbay Terminal design cannot fully accommodate expected year 2020 transit demand, thus reducing the ability for transit to meet Transbay travel demand in future years and increasing private vehicle traffic (and its associated environmental impacts) in the Transbay corridor.
- Fails to Extend Caltrain to San Francisco – The No Project Alternative fails to extend Caltrain to downtown San Francisco thus reducing the attractiveness of public transit on the Peninsula and increasing traffic congestion, travel times, and air pollution in the corridor.
- Fails to Provide High Speed Rail Terminal in Downtown San Francisco – The No Project Alternative fails to construct a terminal for California’s planned high speed rail system in downtown San Francisco. This will eliminate the ability for a downtown San Francisco station leading to reduced high speed rail ridership, reduced economic development opportunities in San Francisco, and increased environmental impacts associated with more private vehicle transportation.
- Fails to Create a Multi-modal Transit Terminal in Downtown San Francisco – The No Project Alternative fails to create a new multi-modal transit terminal that efficiently connects all San Francisco’s major transit services in downtown San Francisco, thus reducing the attractiveness of transit and thereby ridership.
- Fails to Adhere to San Francisco Voter Mandates – By not constructing a new multi-modal Transbay Terminal and Caltrain extension, the No Project Alternative is inconsistent with the mandate of San Francisco voters as expressed in passage of

Proposition H in November 1999 and Proposition K in November 2003, as well as various State laws, such as California Public Resources Code section 5027.1(a), Streets and Highways Code section 30914(c)(22), which require a terminal designed to accommodate high speed rail.

- Fails to Revitalize Transbay Terminal and Transbay Terminal Area – The No Project Alternative could result in further deterioration of the existing terminal structure and continued use of a structure that does not meet current seismic safety requirements or space utilization standards. The No Project Alternative will not create an improved Terminal for passengers and the public to use and enjoy. It will not help alleviate the conditions of blight in the Transbay Terminal area and it will not revitalize the Transbay Terminal area with a more vibrant mix of land uses.
- Fails to Create and Support Housing – The No Project Alternative will not remove the existing conditions of blight created by the Terminal and associated ramps and therefore will discourage construction of affordable and market rate housing in the area.
- Fails to Create a Transit Oriented Development – The No Project Alternative will not facilitate the development of high density mixed use development in the Transbay Terminal area that would encourage the use of environmentally friendly transportation thereby reducing transportation impacts of the development.

For the economic, legal, social, technological, and other considerations reasons set forth herein and in the Final EIS/EIR, the No Project Alternative is rejected as infeasible.

#### 4.4 Alternatives Considered and Reasons for Selection

This section outlines the alternatives that comprise the Preferred Project and the reasons for their selection.

##### 4.4.1 New Transbay Terminal Component:

Two alternatives were evaluated for a new Transbay Terminal in the Draft EIS/EIR. Under either alternative, a new multi-modal terminal would be located at the same site as the existing terminal at Mission and First Streets. Bus ramps would connect directly from the terminal to the Bay Bridge, while an underground rail facility would allow the extension of Caltrain to downtown and provide space for potential future East Bay commuter rail and California's high-speed intercity rail.

The new terminal would include facilities for AC Transit, Greyhound, Greyhound Package Express, Muni buses and trolley coaches, Golden Gate Transit, basic service buses, taxi service, paratransit service, and easily accessible bicycle storage. Both alternatives would include space for retail and cultural uses.

The design for the new Terminal also would shift the existing Terminal footprint 150 feet in a westerly direction, as further described in the Final EIS/EIR Section 2.2. The combination of the modified Terminal footprint and the Second-to-Main track alignment described below in Section 3 (Caltrain Downtown Extension Component) results in the need to occupy the surface and subsurface of the 80 Natoma development site, currently a vacant property that is the subject of the property acquisition contemplated herein.

### Preferred Project: West Ramp Alternative

The Agency acknowledges and approves the TJPA's selection of the West Ramp Alternative as the Preferred Project. This alternative is fully described in Final EIS/EIR Section 2.2.2.1. The West Ramp Alternative is selected for the Project because it has the following major advantages:

- **Additional Development Opportunities** – Under the West Ramp Alternative the blocks south and east of the Transbay Terminal at Beale and Howard Streets and Folsom at Beale and Main Streets would be open for development, which is not possible under the Loop Ramp Alternative.
- **Improved View Corridors** – Under the West Ramp Alternative the eastward views along Howard Street would open up toward the bay and the East Bay hills. Southward views along Beale, Fremont, and First Streets toward Rincon Hill would also open up.
- **Lower Capital Costs** – The West Ramp Alternative would have lower capital costs than the Loop Ramp Alternative.
- **Visual and Economic Benefits from Modifying Terminal Footprint** – The modified Terminal footprint has numerous advantages over the prior Terminal design which bridged Beale Street with a part of the Terminal structure that rose more than 60 feet above the street. This modified footprint results in engineering cost savings through the elimination of this design element. It also results in enhancing the visual character of the Beale Street corridor as well as providing for a better terminal user and retail environment on the street level. The modified footprint also opens up future development opportunities for a building on the east side of Beale between Mission and Howard and on a Howard Street parcel currently occupied by bus ramps that would be relocated. While some of the abovementioned economic benefits may be offset by the cost of acquiring the 80 Natoma site, the proposed configuration provides greater long-term benefits to the TJPA, the City, transit providers, transit users, and the public for the reasons set forth herein and elsewhere in the administrative record.

Numerous people who commented on the Draft EIS/EIR stated their preference for the West Ramp Transbay Terminal Alternative, and this Alternative best represents the consensus solution emanating from multiple agencies and community representatives involved in the Metropolitan Transportation Commission's Transbay Terminal Study. AC Transit, currently the main tenant in the existing terminal and one of the primary tenants in the new facility, has reviewed the operational characteristics of the West Ramp Alternative and found them to easily meet operational requirements for both current Transbay bus schedules and potential future service levels.

#### 4.4.2 Redevelopment Component

Two alternatives were evaluated for the Redevelopment Plan Area: the "full build" and "reduced scope" development alternatives. These alternatives are not actual proposals but rather represent the range of reasonable development that could occur in the area. Within the overall redevelopment plan, actual development proposals would be defined and evaluated in subsequent steps of the redevelopment process. The two alternatives evaluated are described in detail in FEIS/FEIR Chapter 2 and are summarized in Table 1 below.

Preferred Project: Full Build Development Alternative

The Agency acknowledges and approves the TJPA's selection of the Full Build Alternative as the Preferred Project. The Agency also independently approves the element of the Preferred Project within its jurisdiction, the Full Build Alternative for the Transbay Redevelopment Project Area Plan. This alternative is fully described in Final EIS/EIR Section 2.2.4. The Full Build Alternative is selected for the Project because it has the following major advantages:

- Increased Transit Oriented Development – The Full Build Alternative would provide for more intensive land use around the multi-modal transit hub, providing a model for transit oriented development.
- Increased Revenues – The Full Build Alternative would produce more tax increment revenue and proceeds from the sale of surplus parcels than the Reduced-Scope Alternative, providing more funds for the new terminal and Caltrain Downtown Extension.
- Increased Market Rate and Affordable Housing – The Full Build Alternative will provide more market rate and affordable housing than the Reduced Scope Alternative, thus helping to address San Francisco's significant shortfall in housing.
- Reduced Automobile Use – Locating development next to a regional multi-modal transit center is likely to reduce the dependency of local residents, workers, and visitors on the automobile. Vehicular trips on a per-person or per-residence basis should be reduced. While this reduction cannot be readily quantified, it should reduce anticipated traffic impacts from the proposed development.

In addition to these reasons, many members of the public expressed their support for this alternative as part of their comments on the Draft EIS/EIR.

<b>Redevelopment Component Alternatives</b>		
<b>Development Type</b>	<b>Reduced Scope Alternative (in square feet)</b>	<b>Full Build Alternative (in square feet)</b>
<b>Residential</b>	4,100,000	5,600,000
<b>Office</b>	0	1,200,000
<b>Retail</b>	260,000	355,000
<b>Hotel</b>	350,000	475,000
<b>Total</b>	4,710,000	7,630,000
<b>Residential (in dwelling units)</b>	3,400	4,700

#### 4.4.3 Caltrain Downtown Extension Component

The Caltrain Downtown Extension Component consists of an extension of Caltrain from the present San Francisco terminus (and storage yard) at Fourth and Townsend Streets to an underground terminal on the site of the existing Transbay Terminal at First and Mission Streets, a distance of approximately 1.3 miles. The extension would consist of two to four tracks branching to several additional tracks into the basement of the proposed new Transbay Terminal.

Two alternative alignments were analyzed in the Caltrain Extension in the Draft EIS/EIR:

- Second-to-Main Alignment; and,
- Second-to-Mission Alignment.

These alignments were the same from the present Caltrain terminus to approximately the intersection of Second and Tehama streets. At Second/Tehama, the alternatives differ in the exact alignment of Caltrain tracks into the new station below the Transbay Terminal, design of the rail station itself, and tail track configuration.

##### Preferred Project: Second to Main (Refined) Caltrain Alignment

The Agency acknowledges and approves the TJPA's selection of the refined Second-to-Main Alignment as the Preferred Project. This alternative represents a slightly refined version of the Second-to-Main Alternative described in the Draft EIS/EIR.

The refined Second-to-Main Alternative was developed in response to public comments on the Draft EIS/EIR which suggested a series of design modifications that improved the operation of the underground Caltrain/ high speed rail terminal. These modifications included changes to the track alignment, platform configuration, number of through tracks, and tail track layouts. They helped improve operation of the terminal by increasing terminal capacity and flexibility, increasing train storage capacity, reducing train dwell times, improving train accessibility, and reducing alignment curvature (thereby reducing train and track maintenance costs, increasing speed and terminal capacity, and reducing noise impacts). (The Second-to-Mission Alternative was also refined in a similar manner.)

The refined Second-to-Main Alternative was chosen for inclusion in the Project for the following reasons:

- **Transbay Terminal Rail Facilities** – The refined Second-to-Main Alternative provides increased platform lengths and length of straight (tangent) platforms over what was defined in the Draft EIS/EIR.
- **Reduced Development Impacts** – The refined Second-to-Main Alternative has fewer impacts on the proposed 301 Mission Street development and on the subsurface portion of the joint development hotel proposed north of the new terminal. While this alignment and modification of the Terminal footprint do result in the need to acquire the 80 Natoma development site, which currently is vacant, the cost of this acquisition is outweighed by the economic, engineering and other benefits stemming from this alignment and the modified Terminal footprint, as set forth herein and elsewhere in the administrative record.
- **Improved Passenger Circulation** – The refined Second-to-Main Alternative, by constructing the bus terminal directly above the train terminal would have more efficient passenger circulation and would channel more passengers through the

planned passenger concourse retail spaces than the refined Second-to-Mission Alternative. More efficient passenger flows would help increase transit ridership and channeling more passengers through the retail space would increase revenues available for Project construction.

- Increased Train Storage Capacity – Tail tracks for the refined Second-to-Main Alternative would provide greater train storage capacity – 7 five-car trains, as compared to 4 five-car trains for the refined Second-to-Mission Alternative.
- Improved Bay Crossing Options – The refined Second-to-Main Alternative is superior in terms of a new Bay Crossing than the refined Second-to-Mission Alternative, as it provides greater flexibility for future planning and has potentially fewer obstacles to the underwater crossing.

Section 2.2.3 of the Project’s Final EIS/EIR describes the refined Second-to-Main Alternative in detail.

#### 4.4.4 Caltrain Downtown Extension: Underground Construction Options

Two alternatives were considered for constructing the underground Caltrain alignment between Townsend/Clarence and Second/Folsom: tunneling and cut-and-cover.

##### *Preferred Project: Tunneling*

This alternative consists of constructing the underground Caltrain alignment between Townsend/Clarence and Second/Folsom using the “stacked drift” tunneling method. The Agency acknowledges and approves the TJPA’s selection of this alternative as the Preferred Project because:

- Demolition of Fewer Historic Buildings – The tunneling alternative would require demolition of only three historic buildings; less than the 13 that would need to be demolished under the cut-and-cover alternative.
- Tunneling Technology – The stacked drift tunneling approach has been shown to be a very safe and effective technology.
- Reduced Traffic Impacts – The tunneling option will substantially reduce traffic impacts on Second Street.
- Lower Capital Cost – The tunneling option has lower capital costs.
- Strong Public Support – The tunneling option had strong public support.

Section 2.2.3.3 of the Project’s Final EIS/EIR describes the tunneling option.

#### 4.4.5 Additional Project Elements

The underground pedestrian connection between the new Transbay Terminal and the Embarcadero BART Station is included in the Project subject to availability of funding. This is outlined in Section 2.2.3.1 of the Final EIS/EIR.

#### 4.5 Other Project Alternatives Considered and Reasons for Rejection

This section outlines the alternatives rejected and the reasons for their rejection.

As mentioned above, the Project has been subject to numerous engineering, technical, and planning studies over the past 20 years. During this time period many different alternatives and design options have been considered and rejected. Furthermore, members of the public suggested additional alternatives and options as part of their comments on the Draft EIS/EIR. Therefore, in addition to the alternatives and design options evaluated in the Draft EIS/EIR, this section also summarizes some of the alternatives and reasons for their rejection as considered in previous studies and evaluated in the response to comments on the Draft EIS/EIR. The Final EIS/EIR describes alternatives rejected from further consideration in Section 2.3. Additional information on rejected alternatives can be found in documents incorporated by reference into the Final EIS/EIR including technical studies completed for the MTC's Transbay Terminal Improvement Plan Study, the 1997 Caltrain Downtown Extension Draft EIS/EIR, and the Caltrain Downtown Extension Project Design Options Screening Report, 1995.

The Agency has considered the aspects of the Project within the TJPA's jurisdiction, as well as the attributes and environmental effects of the Project and the Alternatives discussed in the Final EIS/EIR. This consideration, along with the reports from staff and considerable public testimony, has resulted in the Preferred Project reflected in the Transbay Redevelopment Plan, which contains the combination of features most closely meets the Project's purpose and need as summarized above and set forth in Chapter 1 of the Final EIS/EIR. Furthermore, the Agency also rejects all the Alternatives other than those identified in the Preferred Project, because the Agency finds that this program best meets the Project purpose and needs as described in Chapter 1 of the Final EIS/EIR.

The Agency rejects all the Alternatives other than those identified in the LPA, because the Agency finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make such Alternatives infeasible as outlined below and in the Project's Final EIS/EIR.

#### 4.5.1 New Transbay Terminal Component:

##### *Rejected Alternative: Loop Ramp Alternative*

The Loop Ramp Alternative is fully described in Final EIS/EIR Section 2.2.2.2. The Loop Ramp Alternative is rejected for the following reasons:

- Reduced Potential for Neighborhood Revitalization – The Loop Ramp Alternative reduces the potential for neighborhood revitalization since it includes a significantly greater area of aerial freeway ramps than the LPA. This reduces the ability of the Project to serve as a catalyst for Transbay Terminal area revitalization, as less development will reduce the amount of housing, retail, and services in the area.
- Reduced Project Funding – The Loop Ramp Alternative provides less funding for the Project than the LPA since the alternative's greater area of aerial ramps reduces the land available for development and its aerial ramps blight adjoining parcels.
- Increased Visual Impacts – The Loop Ramp Alternative has increased visual impacts over the LPA since it includes more aerial freeway ramps crossing San Francisco streets.
- Higher Cost – The Loop Ramp Alternative is more expensive than the LPA.

### Rejected Alternative: New Bus Terminal at Main/Beale Site

Construction of a new bus terminal at the Main/Beale streets site was evaluated between 1995 and 1999. It was evaluated in detail as part of the MTC's Transbay Terminal Improvement Plan study. This Alternative was rejected in February 1999, when the San Francisco Board of Supervisors passed a resolution repealing its prior endorsement of the site and urged the City to work expeditiously to retain regional bus service at the current Transbay Terminal site. The Main/Beale Alternative was rejected for the following reasons:

- **Poor Transit Service** – AC Transit, the Terminal's main bus operator, reported that the Main/Beale site would reduce the level of service to its riders since it was located further from the employment sites of its riders; this would reduce transit ridership.
- **Inefficient Transit Operations** – AC Transit operating costs would be higher for the Main/Beale Alternative than under alternatives at the Transbay Terminal site.
- **Terminal Orientation** – The existing Transbay Terminal orientation, a relatively long and narrow terminal with multiple entrances and exits spread widely along the street grid, has historically demonstrated an ability to accommodate a large volume of transit passengers (26 million annual passengers in the 1940s). The Main/Beale Alternative would re-orient the terminal, reduce the area within easy walking distance to terminal entrances, and reduce the passenger concourse's efficiency and attractiveness, when compared to alternatives that construct a new terminal at the existing Transbay Terminal site. These factors will reduce the attractiveness of transit at the new terminal site.
- **San Francisco Proposition H (November 1999)** – San Francisco voters passed Proposition H in November 1999. This proposition stated, "As part of the extension of Caltrain downtown, a new or rebuilt terminal shall be constructed on the *present site of the Transbay Terminal* serving Caltrain, regional and intercity bus lines, Muni, and high speed rail..." (Emphasis added). The Main/Beale Alternative was thus in conflict with citizen mandate.
- **Poor Bus to Rail Connection** – The Main/Beale Alternative would only provide one transfer point between the bus and rail terminals while the alternatives that include a bus terminal directly above the rail terminal provide many transfer points. By reducing the number of transfer points the Main/Beale Alternative would make it more difficult to transfer between modes and thus reduce the number of transit passengers.
- **Reduced Development Opportunities** – The Main/Beale Alternative would construct a bus terminal in a prime development site. Furthermore, the 2003 Cooperative Agreement between the State of California, the TJPA, and the City/County of San Francisco which transfers state-owned properties in the Transbay Terminal area requires use of the current terminal site for the new Terminal. Thus the alternatives that include rebuilding the bus terminal at the Transbay Terminal site would keep the Main/Beale site land available for development and thereby increase both the revenues available for the project and the potential for revitalization of the project area.

Section 2.3.1.2 of the Final EIS/EIR outlines reasons for rejecting this alternative. Volume 2 of the Final EIS/EIR (Section 5.1.7) presents more details on rejection of the

alternative. Finally, the MTC Transbay Terminal Improvement Plan study also presents reasons for rejecting this alternative.

*Rejected Alternative: “A Tale of Two Cities Terminal Alternative”*

The Tale of Two Cities terminal alternative was developed as part of the planning done through the MTC’s Transbay Terminal Improvement Plan study. As part of the MTC Study, this alternative was rejected for the following reasons:

- **Reduced Development Opportunities** – The Tale of Two Cities terminal alternative occupied a large amount of land in the Transbay Terminal area and thus reduced the amount of land available for redevelopment. This reduced the amount of funding available for the Project.
- **Poor Circulation** – This alternative’s large size required passengers to walk long distances to transfer between modes and to circulate within the terminal. By increasing walking distances, the alternative would make it more difficult to transfer between modes and thus reduce the number of transit passengers.
- **Aerial Ramps** – The alternative would keep the existing aerial ramp arrangement, and therefore not reduce the significant blighting influence of the ramps on the Transbay Area.
- **High Cost** – The alternative, due to its large size, had the highest capital costs of any alternative evaluated in the MTC study.

This alternative is outlined in Final EIS/EIR Section 2.3.1.3. More details are available in the MTC’s Transbay Terminal Improvement Plan study.

*Rejected Alternative: Renovated Transbay Terminal (with/without Aerial Caltrain Alignment)*

Renovation of the existing Transbay Terminal has been considered in several previous technical and planning studies both with an aerial Caltrain extension alignment and as a stand-alone project (i.e. without extending Caltrain downtown). The main reason for rejecting this alternative is that it would not meet the project objectives. More specifically the alternative was rejected for the following reasons:

- **Insufficient Transit Capacity** – According to the MTC’s Bay Crossings Study (2002), the number of express buses using the Transbay Terminal in 2020 is expected to grow significantly. The renovated Transbay Terminal does not have the capacity to efficiently meet the expected future demand.
- **Poor Terminal Design** – While renovating the existing Transbay Terminal is possible, the renovations necessary to make the building seismically safe and fully accessible would lead to many compromises in efficiency and building design. These compromises would reduce the amount of development space available in the building and its attractiveness, thus reducing the revenues generated by the building that would be used to build and operate the terminal.
- **Increased Aerial Ramps** – Extending Caltrain to a renovated Transbay Terminal would require that additional aerial ramps be constructed for trains and that the bus ramps are raised higher in the air. The existing aerial ramps are already a

significant blighting influence on the Transbay Area, increasing the number and height of aerial ramps would result in a significant increase in blight.

- Aerial Operations – Operating trains on the aerial ramps would lead to noise impacts.
- Inefficient Use of Funds – Renovating the Transbay Terminal would cost a significant amount of money and result in a building that is not much improved over the existing terminal. Therefore, it is much more cost effective to demolish the existing structure and build a new terminal designed to meet future demand and current safety and accessibility standards.
- Poor Curve Geometry – The alignment’s curve from Essex Street into the Transbay Terminal would not accommodate the trains (rail vehicles) currently being considered for California’s high speed rail system. Thus, this alternative would eliminate the possibility of extending high speed rail to downtown San Francisco. Extending high speed rail to downtown San Francisco will create important economic, environmental, and social benefits to San Francisco.

Since this Alternative has been considered several times in the past, the reasons for rejecting it are included in several different planning documents. These reasons are summarized in Section 2.3.1.1. of the Final EIS/EIR.

#### 4.5.2 Redevelopment Component

##### Rejected Alternative: Reduced Scope Redevelopment Alternative

The Reduced Scope Development Alternative is rejected for the following reasons:

- Reduced Revenues – The Project will receive tax increment revenues from the redevelopment area; these revenues would be reduced with reduced development in the area. The Project will also receive revenues for the sales of excess land in the project area; under the Reduced Scope Alternative the prices for land will be lower than under the Full Build Alternative.
- Reduced Housing – The Reduced Scope Alternative would provide less market rate and affordable housing than the Full Build Alternative.
- Reduced Transit Use – By reducing the amount of development in the Transbay Terminal area, the Reduced Scope Alternative would reduce the transit ridership on trains and buses using the Project’s multi-modal terminal. This represents a financial loss for transit operators and an environmental loss for regional transportation/air quality goals.

Section 2.2.4 of the Final EIS/EIR describes the redevelopment components.

#### 4.5.3 Caltrain Downtown Extension Component

##### Rejected Alternatives: Draft EIS/EIR Second-to-Mission and Draft EIS/EIR Second-to-Main Alternatives

The original Second-to-Main and Second-to-Mission alternatives (described in the Draft EIS/EIR) were rejected in favor of refined alternatives developed based on Draft EIS/EIR comments. The refinements made to the alternatives consisted of a series of design

modifications that improved the operation of the underground Caltrain/ high speed rail terminal.

The original Draft EIS/EIR alternatives were rejected because they had reduced capacity, reduced flexibility, reduced train storage capacity, increased train dwell times, reduced train accessibility, and sharper curves (thereby increasing train and track maintenance costs, reducing speed and terminal capacity).

Rejected Alternative: Refined Second-to-Mission Alternative

The refined Second-to-Mission Alternative is rejected for the following reasons:

- Increased Development Impacts – The refined Second-to-Mission Alternative has greater impacts on the proposed 301 Mission Street development and on the joint development hotel proposed north of the new terminal.
- Degraded Passenger Circulation – The refined Second-to-Mission Alternative would construct the train and bus terminals in a slightly skewed alignment to each other. This means that terminal circulation systems (e.g. stairs, escalators, and elevators) would not be oriented in the same direction from the train level up to the bus level. Furthermore, fewer people would be channeled through the passenger concourse retail areas. Less efficient passenger circulation systems would be more expensive to construct and could be frustrating to passengers trying to transfer between modes. By reducing passenger flows through the retail space, terminal revenues would be decreased.
- Reduced Train Storage Capacity – The refined Second-to-Mission Alternative provides less train storage capacity than the refined Second-to-Main Alternative – 4 five-car trains, as compared to 7 five-car trains. This would increase operating costs and reduce terminal flexibility.
- Reduced Bay Crossing Options – The refined Second-to-Mission Alternative provides less flexibility for constructing a future Bay Crossing than the refined Second-to-Main Alternative, and has potentially more engineering obstacles to the underwater crossing.

The following Alternatives are rejected for the reasons set forth in the TJPA's CEQA findings, adopted as part of its Resolution 04-004, which approved the Locally Preferred Alternative as the Preferred Project. Said Resolution and its associated findings and related documents are in the Planning Department's files and are incorporated herein by reference as though fully set forth. These rejected Alternatives include: Essex Street Curved Alignment, Essex Street Stub-End Alignment, Market/Beale Terminal, Mission/Beale Terminal, King Street Caltrain Alignment, Brannan Street Caltrain Alignment, Angled Caltrain Terminal at First Street, First Street Terminal, Joint Caltrain/Muni Metro Tunnel on Second Street, West of Second Street Alternative, Second Street Terminal, Renovated Transbay Terminal with Aerial Caltrain Alignment.

4.5.4 Caltrain Downtown Extension: Underground Construction Options

Rejected Alternative: Cut-and-Cover Construction

This alternative consists of constructing the underground Caltrain alignment between Townsend/Clarence and Second/Folsom using the cut-and-cover method. This alternative was rejected because:

- Demolition of More Historic Buildings – The cut-and-cover option would require demolition of 13 historic buildings; only three would need to be demolished under the tunneling option.
- Section 4F Requirements – Importantly, the cut-and-cover option’s impact on historic buildings alone, would require that the tunneling option be chosen. Under Section 4(f) of the Department of Transportation Act of 1966, no federal project may be approved that “requires the use of any land from a ... historic site unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such ... historic site resulting from such use.” The tunneling option appears to qualify as a “feasible and prudent alternative” to the demolition of ten of the historic sites. Thus, the cut-and-cover option must be rejected under federal law.
- Increased Traffic Impacts – The cut-and-cover alternative will substantially increase traffic impacts on Second Street over the tunneling option.
- Increased Capital Cost – The cut-and-cover option has higher capital costs.

#### 4.6 Alternatives Proposed by Members of the Public

The Agency acknowledges and approves the TJPA’s selection of the alternatives described above as the Preferred Project because the Agency finds that there is substantial evidence of specific economic, legal, social, technological, and other considerations that make the LPA desirable as the Preferred Project. The Agency also independently approves the element of the Preferred Project within its jurisdiction, the Full Build Alternative for the Transbay Redevelopment Project Area Plan, because the Agency finds that there is substantial evidence of specific economic, legal, social, technological, and other considerations that make the LPA desirable as the Preferred Project.

The Agency also rejects all the Alternatives other than those identified in the LPA, because the Agency finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make such Alternatives less desirable than the LPA for the reasons outlined above and in the Project’s Final EIS/EIR.

During the public comment period, various property owners and commentors proposed alternatives to the preferred Project. These alternatives were described and analyzed in the Final EIS/EIR in Sections 2.9, 3, and 5 of Volume II of the Final EIS/EIR, Responses to Public Comments. These alternatives are rejected as infeasible for the economic, legal, social, technological and other considerations set forth in the Final EIS/EIR at the above mentioned citations.

In February and March 2004, more than one year after the close of the public comment period for the Draft EIS/EIR, the property owner of 80 Natoma proposed 4 conceptual alternate track alignments. The proposals were an effort to minimize conflicts with the proposed 400+ unit residential structure planned for 80 Natoma, which is adjacent to the terminal site. These proposed alternatives are rejected as infeasible for the economic, legal, social, technological and other considerations set forth in documentation attached to the TJPA’s Resolution No. 04-004 approving the LPA as the Preferred Project. These proposed alternatives, and refinements to them analyzed in May and June 2004, also are rejected as infeasible for the economic, technological, and other considerations set forth in the TJPA engineering report dated June 18, 2004. This report is contained in the Agency’s files and is incorporated herein by reference. In addition to the above alternatives, the TJPA staff proposed to the 80 Natoma property owner that

the parties explore a tunnel design for the rail tracks that would allow the planned residential structure to be built over the rail tunnel; however, the property owner rejected this proposal. As a consequence, the TJPA staff removed this proposal from further consideration at that time. For this reason as well as other considerations that favor the preferred Project from an engineering and economic standpoint, this proposed alternative is rejected as infeasible.

#### 4.7 Alternative Proposed by the San Francisco County Transportation Authority

In July 2004, the San Francisco County Transportation Authority (SFCTA) initiated the study of another alternative design for the Transbay Project that would minimize conflicts with the 80 Natoma residential project, as described above in Subsection F. The SFCTA studies resulted in a design that would allow the 80 Natoma project to proceed in the near future with a revised foundation that could allow subsequent tunneling underneath the 80 Natoma structure for the Transbay rail tracks as they enter the Transbay Terminal. The SFCTA design also proposed tunneling under all buildings along the Second Street corridor north of Folsom Street as well as providing for the possibility of stacking the rail lines as they enter the Transbay Terminal. The SFCTA design would have required the Terminal to relocate off of the 80 Natoma site and return to its original location 150 feet to the east of the Terminal location in the Preferred Project. The SFCTA design also would have resulted in other modifications to the Terminal Project, including forcing the Terminal building to span Beale Street and lowering the entire Terminal structure to connect with the lowered profile of the underground rail tracks. As a result of the shift in the Terminal location, the SFCTA design also would have eliminated two development sites slated for redevelopment as described in these Findings in Subsection D.1. above.

The SFCTA proposal resulted in the presentation of two reports, one dated August 10, 2004 and the second dated September 28, 2004. After extensive testimony at SFCTA hearings on August 10 and 17, 2004, and September 28, 2004, the SFCTA ultimately decided to reject the SFCTA design on economic grounds and for other reasons including legal, social, technological and other considerations. The SFCTA instead authorized a release of its sales tax funding for the acquisition of the 80 Natoma site. On September 28, 2004, the Board of Supervisors, in reliance on the documents and testimony presented to the SFCTA, the SFCTA's decision, as well as other information, adopted a resolution of necessity to acquire the 80 Natoma site by eminent domain. As part of these decisions, both the SFCTA and the Board of Supervisors adopted CEQA findings that approved the Preferred Project and rejected all the Alternatives that had been considered. The Agency also rejects this Alternative, because the Agency finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make such Alternative less desirable than the LPA for the reasons outlined above and in the Project's Final EIS/EIR.

## 5. FINDINGS REGARDING MITIGATION MEASURES

The California Environmental Quality Act (CEQA) requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible.

The Agency finds that, based on the record before it, the measures proposed for adoption in the Final EIS/EIR are feasible, and that they can and should be carried out by the identified agencies at the designated time. The Agency also acknowledges that as part of its project approval action, the TJPA in Resolution 04-004 adopted, as conditions, all the identified mitigation measures within its jurisdiction. The Agency further acknowledges that the San Francisco Board of Supervisors, as part of its September 28, 2004 decision to exercise eminent domain over 80 Natoma, and the Planning Commission, as part of its December 9, 2004 and January 13, 2005 approvals related to adoption of the Transbay Redevelopment Project Area Plan, adopted all the identified mitigation measures within their respective jurisdiction. This Agency urges the

Peninsula Corridor Joint Powers Board (“JPB”) and others to adopt and implement applicable mitigation measures set forth in the Final EIS/EIR that are within the jurisdiction and responsibility of such entities. The Agency acknowledges that if such measures are not adopted and implemented, the Project may result in additional significant unavoidable impacts. For this reason, and as discussed in Article 6, the Agency is adopting a statement of Overriding Considerations as set forth in Article 7.

The Findings in this section concern mitigation measures set forth in the Final EIS/EIR. Mitigation measures are grouped in the following categories:

- (1) Specified measures which are enforceable by another public agency and which are recommended by the Agency for adoption by that agency and measures that are within the Agency's jurisdiction that are adopted herein; and
- (2) Measures which are within the jurisdiction and responsibility of TJPA that the TJPA adopted and incorporated into the Project by its Resolution No. 04-004.

All mitigation measures set forth in the Final EIS/EIR are summarized in Exhibits 1 and 2 to this document. None of the mitigation measures set forth in the Final EIS/EIR are rejected.

It should be noted that all mitigation measures are referenced in these Findings and attached Exhibits using a coded system. Each measure begins with one or more letters that describe the type of impact the measure is intended to address (e.g. mitigation measures for pedestrian impacts start with “Ped”), and then a number. Thus mitigation measures designed to address pedestrian impacts are coded “Ped 1”, “Ped 2”, etc. For more specific information on each mitigation measure refer to Exhibit 1. Responsibility for implementation and monitoring has been established pursuant to the Mitigation Monitoring and Reporting Program set forth in Exhibit 2 to this document. For specific information on implementation of mitigation measures refer to Exhibit 2. Exhibits 1 and 2 are attached hereto and incorporated by reference as though fully set forth.

#### 5.1 Mitigation Measures Recommended by the Agency for Adoption By Other Agencies and Measures Recommended for Agency Adoption

The Agency finds that the following measures presented in the Final EIS/EIR will mitigate, reduce, or avoid the significant environmental effects of the Project. They are hereby recommended for adoption and implementation by public agencies with applicable jurisdiction as set forth below.

##### 1. Wind

**W 1** –The Agency shall mitigate or eliminate any wind hazard exceedances by adopting and implementing mitigation measure W 1 as described in Exhibit 1 and Exhibit 2.

##### 2. Property Acquisition/Relocation

**Prop 1** – The Agency, in accordance with federal and state law, shall mitigate the impacts of property acquisition and relocations required by the Project by adopting mitigation measure Prop 1 and providing information and relocation assistance to those as set forth therein. The Agency also acknowledges that the Planning Commission has adopted this measure as it relates to decisions within its jurisdiction and urges other affected City entities to take the same action.

3. Hazardous Materials/Waste – Operations

**HWO 1 to HWO 6** - The Agency urges the JPB to mitigate potential impacts of a fueling facility by adopting mitigation measures HWO 1 to HWO 6 and by designing, constructing and operating any such facility with appropriate safety measures and equipment, as set forth therein.

4. Pedestrians

**Ped 1 to Ped 5** - The Agency shall mitigate or eliminate pedestrian impacts by adopting mitigation measures Ped 1 and Ped 2 as described in Section 5.19.6.1 of the Final EIS/EIR to increase sidewalk width and remove obstacles. The Agency also acknowledges that the Planning Commission has adopted these measures and Ped 3 through Ped 5 as it relates to decisions within its jurisdiction and urges other affected City entities to take the same action.

5.2 Findings on Mitigation Measures Within the Jurisdiction of the TJPA That the TJPA Has Adopted and Incorporated into the Project.

The TJPA, in Resolution No. 04-004, adopted all the mitigation measures within its jurisdiction and incorporated such measures into the Project. As part of this Resolution, the TJPA also adopted a mitigation monitoring and reporting program as required by State law. Consequently, the Agency finds that all mitigation measures within the jurisdiction of the TJPA have been incorporated into the Project and determines that said measures can and will be implemented. This Agency further finds that such measures will mitigate, reduce, or avoid the Project's significant environmental effects. These mitigation measures include all the measures listed in Exhibit 1 that are not specifically listed in Subsection A above. The measures include mitigation in the areas of safety and emergency services, noise-operations and construction, vibration-operations and construction, soils/geology, utilities, cultural and historic resources, hazardous materials during construction, pedestrian safety, pre-construction safety, general construction measures, air emissions, and visual/aesthetics during construction.

5.3 Findings on Adoption of a Mitigation Monitoring and Reporting Program

The Agency finds that the Mitigation Monitoring and Reporting Program attached hereto as Exhibit 2 (the "Program"), is designed to ensure compliance during Project implementation. The Agency further finds that the Program presents measures that are appropriate and feasible for adoption and the Program should be adopted and implemented as set forth herein and in Exhibit 2.

5.4 Location and Custodian of Record

The public hearing transcript, a copy of all letters regarding the Final EIS/EIR received during the public review period, the administrative record, and background documentation for the Final EIS/EIR are located at the Planning Department, 1660 Mission Street, San Francisco. The Planning Commission Secretary, Linda Avery, is the custodian of records for the Planning Department and Planning Commission. Additional administrative record documents on the Final EIS/EIR are located at the San Francisco Redevelopment Agency at 770 Golden Gate Avenue, 3<sup>rd</sup> Floor, San Francisco. The Agency Secretary is the custodian of records for the Agency. The TJPA Secretary, Roberta Boomer, is the custodian of records for the TJPA. The TJPA records are located at the TJPA offices at 201 Mission Street, Suite 1960, San Francisco.

## 6. SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS

The Project includes many aspects and features that reduce or eliminate environmental impacts, which could otherwise be significant. In particular, the mitigation measures described or referred to above would reduce to a level of insignificance impacts in the following areas, as described in the Final EIS/EIR sections: Wind Impacts (5.1.2), Displacements and Relocation (5.2), Noise and Vibration (5.8), Geology and Seismicity (5.9 and 5.21.17), Utilities (5.12), Historic and Cultural Resources (5.14 and 5.21.14), Hazardous Materials (5.15 and 5.21.15), Construction Air Quality (5.21.9), and Construction Noise and Vibration (5.21.10).

As outlined above, the TJPA has incorporated all of the identified mitigation measures within its jurisdiction into the Preferred Project. There are some mitigation measures within the jurisdiction of the City and JPB. If these mitigation measures are implemented then impacts will be less than significant; however, all of these entities have yet to act on the mitigation measures. Because the Agency does not have the authority to impose all such measures, there could be a significant environmental impact of the Project if these entities do not adopt or implement the mitigation measures specified in the areas of wind, property acquisition/relocation, hazardous materials – operations, and pedestrian safety.

Furthermore, even under full implementation of all the mitigation measures described above in Article 5, some significant unavoidable impacts remain in the areas of traffic and historic resources. These are described in more detail below.

### 6.1 Traffic

The Project would add substantial numbers of vehicles to some movements that determine overall traffic level-of-service (LOS) performance. Specifically, the Project would add vehicles to movements that represent a considerable contribution to the baseline plus Project traffic conditions and the Project would have an adverse impact on these intersections.

The Project's contribution to the following intersections would be considered adverse under 2020 cumulative conditions, and these are the same intersections that would experience adverse effects under the 2020 plus Project condition): (1) First/Market, (2) First/Mission, (3) First/Howard, (4) Fremont/Howard, (5) Beale/Howard, (6) Second/Folsom, and (7) Second/Bryant. For these intersections, the Project would add substantial numbers of vehicles to some movements that determine overall LOS performance. Therefore, the Project would add vehicles to those movements that would represent a considerable contribution to the cumulative conditions and the Project would have an adverse impact on these intersections.

The Terminal/Extension Project would also result in a substantial increase in vehicle trips to and from new development projects, particularly in the area bounded by Mission, Folsom, First and Main Streets. Along First and Howard Streets there is a high volume of traffic destined to the I-80/Bay Bridge on-ramp at First/Harrison and to the U.S. 101 southbound on-ramp at Fourth/Harrison (via Howard and Fourth Streets) to which the Terminal/Extension Project would contribute additional vehicles and result in increased congestion. Similarly, the planned modifications to the I-80 westbound off-ramp at Fremont Street would add a second leg that will provide access to Folsom Street and result in an increase in vehicles on Folsom Street. The combined increase in vehicles on Folsom Street due to the modified ramp and vehicle-trips generated by the Terminal/Extension Project would result in LOS E conditions at the intersection of The Embarcadero/Folsom Street.

In summary, the Project would result in adverse impacts at seven intersections under both the baseline plus project and cumulative conditions. Improvements at individual intersections may reduce localized congestion somewhat, but may not mitigate operating conditions to less than

adverse levels. As a result of the constraints at downstream intersections and the I-80/U.S. 101 on-ramps and mainline, mitigation measures for the seven intersections have not been proposed, and the impacts associated with the Project would be considered adverse and unmitigable. Due to the lane geometry and other limiting factors (i.e. the lack of space to expand roadways in a highly developed downtown area) it is impossible to fully reduce these traffic impacts to a less than adverse level.

To help improve 2020 Cumulative operating conditions, the San Francisco Department of Parking and Traffic (DPT) may request sponsors of development projects in the South of Market area to contribute to the new Integrated Transportation Management System (ITMS) program. This program is a citywide real-time electronic transportation management system that would include the installation of various Intelligent Transportation System (ITS) infrastructure components to improve traffic circulation within the City. The program would monitor and manage traffic by receiving real-time information at a Traffic Management Center via closed circuit TV cameras. The South of Market area has been identified as the area within which the first phase of the system would be implemented.

The implementation of the ITMS program would improve overall traffic conditions and reduce traffic congestion in the City. Although the implementation of ITMS may not directly mitigate the adverse impacts of the Project under 2020 Terminal/Extension Project conditions or 2020 Cumulative conditions, this program would result in overall traffic improvements and lessening of congestion, and would facilitate traffic circulation in the South of Market area.

## 6.2 Historic Impacts

Construction of a new Transbay Terminal and the Caltrain Downtown Extension would require demolition of properties listed in the National Register of Historic Places (NRHP), or properties that are individually eligible for listing or that are contributors to multi-component properties or districts that are or appear eligible for listing. These properties are described in Section 5.14 of the Final EIS/EIR.

The existing Transbay Terminal and associated bus ramps and approach structures would be demolished to construct the new Transbay Terminal component of the Project. These demolitions would constitute significant adverse effects under CEQA.

The Tunneling Option for the Townsend Street to Folsom Street segment of the Caltrain Downtown Extension would result in the demolition of three buildings that are either individually eligible or that are contributors to a historic district that is eligible. Also, three buildings that are contributors to the Second and Howard Historic District / New Montgomery – Second Street Conservation District that would not be demolished would be isolated from the remainder of the district. These effects would constitute a substantial adverse change. In general, projects that result in the substantial alteration or demolition of a recognized historic resource would be considered to have a significant effect on the environment.

While the Project would have significant adverse impacts to historic resources under CEQA, the Project also proposes a comprehensive program for mitigating the loss of historic buildings. This program as described in Exhibit 1 under the heading of Cultural Resources, is set forth in a Memorandum of Agreement among the Federal Transit Administration and California State Historic Preservation Officer and the TJPA. (This Memorandum also is included as Appendix G of the FEIS/FEIR in its entirety). The program includes documenting the historic buildings that must be demolished, working with interest groups to salvage and preserve elements of the demolished buildings for display to the public, integration of a historic interpretation center into the new terminal, and funding an exhibition describing the Transbay Terminal. In addition to this comprehensive documentation program, it should be emphasized that the Project option selected

for tunneling demolishes only 3 historic buildings, ten fewer buildings than the cut and cover alternative option that was described and rejected in Article IV of these Findings.

## **7. STATEMENT OF OVERRIDING CONSIDERATIONS.**

Notwithstanding the significant effects noted above, pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the Agency finds, after considering the Final EIS/EIR and based on substantial evidence in said document and as set forth herein, that specific overriding economic, legal, social, and other considerations outweigh the identified significant effects on the environment. In addition, the Agency finds that those Project Alternatives rejected above are also rejected for the following specific economic, social, or other considerations, in and of themselves, in addition to the specific reasons discussed in Article IV above:

- 7.1 The Project will encourage more people throughout the Bay Area to use public transit by significantly improving access to transit through construction of an efficient and modern multi-modal transportation terminal in downtown San Francisco. Improving the bus and rail access into downtown San Francisco and providing a highly efficient transfer center for the various public transit operators will encourage more people to use public transit, thus reducing transportation and air quality impacts of the expected future increases in private vehicle transportation demand.
- 7.2 The Project will provide an efficient, comfortable, attractive, and functional transit terminal designed to meet the future transit needs of the users of the San Francisco Municipal Railway, the Alameda-Contra Costa Transit District, the Golden Gate Bridge, Highway and Transportation District, Greyhound, Paratransit, SamTrans, Caltrain, High-Speed Rail and others. By making it more convenient and appealing to enter San Francisco by bus or rail and by facilitating the transfer between transit services, the Transbay Project will help reduce transit operating costs for these entities and for the public.
- 7.3 Regional transportation studies have indicated that travel in the Bay Bridge corridor will increase substantially by year 2025 and that, as a result, Transbay bus ridership could triple. It would not be possible for the existing terminal to meet this demand. The new Transbay Terminal has been laid out and arranged to ensure that the anticipated increase in bus patronage will be met.
- 7.4 Even in 1945, when 26 million passengers each year were using the Transbay Terminal and three separate passenger rail services were bringing train riders from the East Bay across the Bridge and directly into the Transbay Terminal, the Peninsula passenger trains terminated 1.5 miles to the south at 4<sup>th</sup> and Townsend. By extending Caltrain into the new Transbay Terminal in close proximity to the heart of the Financial District, the Transbay Terminal Project will close this rail gap. It is projected that extending Caltrain will result in an increase in ridership of at least 150% with an associated reduction in daily auto trips and improvement in air quality.
- 7.5 The Project fulfills the mandates of various local and State laws including San Francisco's Proposition H-Downtown Caltrain Station (November 1999), Proposition K-San Francisco Transportation Sales Tax (November 2002), California Public Resources Code Section 5027.1 (a), and California Streets and Highways Code Sections 2704.04 (b) and 30914 (c).
- 7.6 The Project will improve local and regional transportation conditions and air quality by providing a variety of benefits, including 1) removing more than 8,000 daily auto trips from the Peninsula corridor roadways by 2020; 2) increasing annual high speed rail ridership by over 200,000 trips annually as a result of constructing a downtown terminal; 3) saving 7,200 person hours, including 5,700 person hours for Caltrain riders and 1,500

person hours for roadway travelers, which represents an approximate savings of \$20 Million based on Federal Transit Administration standards, and 4) reducing parking demand in the Transbay Terminal area.

- 7.7 The Project fulfills the mandates of San Francisco's Transit First Policy as set forth in San Francisco Charter Section 16.102.
- 7.8 The Project will significantly improve the ability to transfer between different transit systems by constructing a safe, convenient, and efficient terminal and possible underground pedestrian link to BART. This multi-modal linkage will make it easier to use transit for a large variety of destinations.
- 7.9 The Project is designed to accommodate the planned California High Speed Rail system thus allowing high speed rail service to be extended to downtown San Francisco directly from Los Angeles Union Station and ultimately connecting to a state-wide 700-mile system. It is projected that there will be between 7.8 and 17 million annual high speed rail boardings and alightings at the Transbay Terminal by 2020, making it by far the most highly used station in Northern California.
- 7.10 The Project will provide new seismically safe aerial ramps connecting the Transbay Terminal to the Bay Bridge/I-80 for transit buses, removing this vehicular traffic from downtown streets. Furthermore, the Project will reduce the aerial extent of these ramps, thus supporting redevelopment efforts in the surrounding neighborhood.
- 7.11 The Project will alleviate blight and encourage revitalization of the area surrounding the Transbay Terminal by replacing the existing terminal with a safe, modern, attractive, well-used, and efficient new terminal as well as reducing the area of aerial bus ramps serving the new terminal.
- 7.12 The new terminal will include shopping, restaurants, and services in the new terminal which are designed to appeal to public transit users, neighborhood residents, downtown workers, and others. Inclusion of these retail uses will help provide revenues for building operations.
- 7.13 The Project includes plans for redeveloping and dramatically improving the area around the Transbay Terminal and creating a vibrant mixed- use neighborhood which includes both market-rate and affordable housing. Residents, workers, and visitors to the area will have unequalled access to public transit thus encouraging them to use public transit for many trips.
- 7.14 The Project minimizes, to the extent feasible, impacts to historic resources. Where such impacts will occur, the Project includes historic documentation and exhibits designed to commemorate the historic buildings and structures.
- 7.15 The Project provides the public with a safe and functional building that complies with all building, accessibility, seismic, and life-safety code requirements. It includes code-compliant and energy efficient systems, provides access for the disabled to public spaces and work areas, and incorporates modern efficient internal circulation systems.
- 7.16 The Project will provide an all-night (24 hour transit) transbay passenger facility thereby serving the transportation needs of a larger segment of the workforce and expanding the range of potential users of the new facility.
- 7.17 The Project will build the first new major multi-modal rail and bus station in the United States in the last 70 years. Given the Project's location and powerful integrating characteristics, it is destined to become the most important transit center in the western part of North America.

- 7.18 The Project allows the City and TJPA to receive 20 acres of land from the State of California at no cost. Sale proceeds from these properties will be used to build a world class transit center for the City, region and State.
- 7.19 The Redevelopment Plan component of the Project, if adopted by the City, will provide a brand new San Francisco neighborhood with 3,400 new residential units (35% affordable—1,200 units) and modern urban design features where people can live, work, and play. The centerpiece to the neighborhood will be the new Transbay Terminal, a landmark signature building that will serve generations to come and serve to reinvigorate San Francisco's stature as a world-renowned destination.
- 7.20 The Project will provide thousands of person-years of construction work and in the process enhance the economic vitality of San Francisco.
- 7.21 The Project will be a model for resource efficient and environmentally responsive building techniques.

Having considered these Project benefits, including the benefits discussed in Article IV.A above, the Agency finds that the Project's benefits outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

**Exhibit 1**

**MITIGATION MEASURES PRESENTED AND ANALYZED IN FINAL EIS/EIR  
FOR THE TRANSBAY TERMINAL/CALTRAIN DOWNTOWN  
EXTENSION/REDEVELOPMENT PROJECT**

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**MITIGATION MEASURES PRESENTED & ANALYZED IN FINAL EIS/EIR  
FOR THE TRANSBAY TERMINAL/CALTRAIN DOWNTOWN  
EXTENSION/REDEVELOPMENT PROJECT**

**1. WIND**

See discussion of wind impacts in Section 5.1.2 of the Final EIS/EIR. Mitigation measures include:

**W 1** – The San Francisco Redevelopment Agency (Agency) shall consider potential wind effects of an individual project for the Redevelopment area. If necessary, perform wind tunnel testing in accordance with City Planning Code Section 148. If exceedences of the wind hazard criterion should occur for any individual project, require design modifications or other mitigation measures to mitigate or eliminate these exceedences. Tailor mitigation measures to the individual needs of each project. Examples of mitigation measures include articulation of building sides and softening of sharp building edges.

**2. PROPERTY ACQUISITION/RELOCATION**

See discussion of property acquisition impacts, Section 5.2 of the Final EIS/EIR. Mitigation measures include:

**Prop 1** – TJPA shall apply federal Uniform Relocation Act (Public Law 91-646) and California Relocation Act (Chapter 16, Section 7260 et seq. of the Government Code) and related laws and regulations governing both land acquisition and relocation. All real property to be acquired will be appraised to determine its fair market value before an offer is made to each property owner. (Minimum relocation payments are detailed in the laws, and include moving and search payments for businesses.) Provide information, assistance, and payments to all displaced businesses in accordance with these laws and regulations.

**3. SAFETY AND EMERGENCY SERVICES**

See discussion of safety and emergency services, Section 5.4 of the Final EIS/EIR. Mitigation measures include:

**Saf 1** – TJPA shall provide Project plans to the San Francisco Fire Department for its review to ensure that adequate life safety measures and emergency access are incorporated into the design and construction of Project facilities.

**Saf 2** – TJPA shall prepare a life safety plan including the provision of on-site measures such as a fire command post at the Terminal, the Fire Department’s 800-megahertz radio system and all necessary fire suppression equipment.

**Saf 3** – TJPA shall prepare a risk analysis to accurately determine the number of personnel necessary to maintain an acceptable level of service at Project facilities.

**4. NOISE – OPERATIONS**

See discussion of noise impacts, Section 5.8 of the Final EIS/EIR. Mitigation measures include:

**NoiO 1** – TJPA shall apply noise mitigation at the following locations adjacent to the bus storage facility:

- Provide sound insulation to mitigate noise impacts at the residences north of the AC Transit Facility at the corner of Perry and Third Street. At a minimum, apply sound insulation to the facade facing the bus storage facility (the south facade).
- Construct two noise barriers to mitigate noise impacts to Residences south of the AC Transit Facility along Stillman Street. The first noise barrier would be approximately 10-12 feet high and run along the southern edge of the AC Transit storage facility. The second noise barrier would be approximately 5-6 feet high and would be located on the portion of the ramp at the southwestern corner of the AC Transit facility. Treat the noise barriers with an absorptive material on the side facing the facility to minimize the potential for reflections off the underside of the freeway.
- Construct a noise barrier to mitigate noise impacts to residences south of the Golden Gate Transit Facility along Stillman Street. The barrier would be approximately 10-12 feet high and run along the southern and a portion of the eastern edge of the Golden Gate Transit storage facility. Treat the noise barriers with an absorptive material on the side facing the facility to minimize the potential for reflections off the underside of the freeway.

**NoiO 2** – TJPA shall landscape the noise walls. Develop the actual design of the walls in cooperation with area residents.

**NoiO 3** – TJPA shall construct noise walls prior to the development of the permanent bus facilities.

## **5. NOISE – CONSTRUCTION**

See discussion of construction noise impacts, Section 5.21.10 of the Final EIS/EIR. Mitigation measures include:

**NoiC 1** – TJPA shall comply with San Francisco noise ordinance. The noise ordinance includes specific limits on noise from construction. The basic requirements are:

- Maximum noise level from any piece of powered construction equipment is limited to 80 dBA at 100 ft. This translates to 86 dBA at 50 feet.
- Impact tools are exempted, although such equipment must be equipped with effective mufflers and shields. The noise control equipment on impact tools must be as recommended by the manufacturer and approved by the Director of Public Works.
- Construction activity is prohibited between 8 p.m. and 7 a.m. if it causes noise that exceeds the ambient noise plus 5 dBA.

The noise ordinance is enforced by the San Francisco DPW, which may waive some of the noise requirements to expedite the Project or minimize traffic impacts. For example, along Townsend Street where much of the land use is commercial, business owners may prefer nighttime construction since it would reduce disruption during normal business hours. The DPW waivers usually allow most construction processes to continue until 2 a.m., although construction processes that involve impacts are rarely allowed to extend beyond 10 p.m. This category would include equipment used in demolition such as jackhammers and hoe rams, and pile driving. It is not anticipated that the construction

documents would have specific limits on nighttime construction. There may be times when nighttime construction is desirable (e.g., in commercial districts where nighttime construction would be less disruptive to businesses in the area) or necessary to avoid unacceptable traffic disruptions. Since the construction would be subject to the requirements of the San Francisco noise regulations, in these cases, the contractor would need to work with the DPW to come up with an acceptable approach balancing interruption of the business and residential community, traffic disruptions, and reducing the total duration of the construction.

**NoiC 2** – TJPA shall conduct noise monitoring. The purpose of monitoring is to ensure that contractors take all reasonable steps to minimize noise.

**NoiC 3** – TJPA shall conduct inspections and noise testing of equipment. This measure will ensure that all equipment on the site is in good condition and effectively muffled.

**NoiC 4** – TJPA shall implement an active community liaison program. This program would keep residents informed about construction plans so they can plan around periods of particularly high noise levels and would provide a conduit for residents to express any concerns or complaints about noise.

**NoiC 5** – TJPA shall minimize use of vehicle backup alarms. Because backup alarms are designed to get people's attention, the sound can be very noticeable even when their sound level does not exceed the ambient, and it is common for backup alarms at construction sites to be major sources of noise complaints. A common approach to minimizing the use of backup alarms is to design the construction site with a circular flow pattern that minimizes backing up of trucks and other heavy equipment. Another approach to reducing the intrusion of backup alarms is to require all equipment on the site to be equipped with ambient sensitive alarms. With this type of alarm, the alarm sound is automatically adjusted based on the ambient noise. In nighttime hours when ambient noise is low, the backup alarm is adjusted down.

**NoiC 6** – TJPA shall include noise control requirements in construction specifications. These should require the contractor to:

- Perform all construction in a manner to minimize noise. The contractor should be required to select construction processes and techniques that create the lowest noise levels. Examples are using predrilled piles instead of impact pile driving, mixing concrete offsite instead of onsite, and using hydraulic tools instead of pneumatic impact tools.
- Use equipment with effective mufflers. Diesel motors are often the major noise source on construction sites. Contractors should be required to employ equipment fitted with the most effective commercially available mufflers.
- Perform construction in a manner to maintain noise levels at noise sensitive land uses below specific limits.
- Perform noise monitoring to demonstrate compliance with the noise limits. Independent noise monitoring should be performed to check compliance in particularly sensitive areas.
- Minimize construction activities during evening, nighttime, weekend and holiday periods. Permits would be required before construction can be performed in noise sensitive areas during these periods.

- Select haul routes that minimize intrusion to residential areas. This is particularly important for the trench alternatives that will require hauling large quantities of excavation material to disposal sites.

Controlling noise in contractor work areas during nighttime hours is likely to require some mixture of the following approaches:

- Restrictions on noise producing activities during nighttime hours.
- Laying out the site to keep noise producing activities as far as possible from residences, to minimize the use of backup alarms, and to minimize truck activity and truck queuing near the residential areas.
- Use of procedures and equipment that produce lower noise levels than normal. For example, some manufacturers of construction equipment can supply special noise control kits with highly effective mufflers and other materials that substantially reduce noise emissions of equipment such as generators, tunnel ventilation equipment, and heavy diesel power equipment including mobile cranes and front-end loaders.
- Use of temporary barriers near noisy activities. By locating the barriers close enough to the noise source, it is possible to obtain substantial noise attenuation with barriers 10 to 12 feet high even though the residences are 30 to 40 feet higher than the construction site.
- Use of partial enclosures around noisy activities. It is sometimes necessary to construct shed-like structures or complete buildings to contain the noise from nighttime activities.

## 6. VIBRATION – OPERATIONS

See discussion of vibration impacts, Section 5.8.8 of the Final EIS/EIR. Mitigation measures include:

**VibO 1** – TJPA shall use high-resilience track fasteners or a resiliently supported tie system for the Caltrain Downtown Extension for areas projected to exceed vibration criteria, including the following locations: (1) Live/Work Condos, 388 Townsend Street (Hubbell and Seventh), (2) San Francisco Residences on Bryant (Harrison Parking Lot Site), (3) Clock Tower Building, and Second Street High Rise and (4) new Marriott Courtyard (Marine Firefighter's Union).<sup>1</sup>

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<sup>1</sup> After mitigation, groundborne noise impact at 388 Townsend Street and vibration impact at the Clocktower Building would still exceed the FTA impact threshold by one decibel. This level of impact would not constitute a substantial adverse change requiring further mitigation, in terms of FTA guidance. The next level of vibration buffering that would be effective would be to install floating slab under the Caltrain alignment trackage for 600 to 800 feet on either side of each building (at a construction cost of \$1,000 per linear foot), which would add installed costs approaching one million dollars or even more per building. Such high costs would not be a prudent and reasonable expenditure to eliminate the last one decibel of impact at these two sites. Per FTA guidelines, “to be feasible, the measure, or combination of measures, must be capable of providing a significant reduction of the vibration levels, at least 5 dB, while being reasonable from the standpoint of the added cost.”

## **7. VIBRATION – CONSTRUCTION**

See discussion of construction vibration impacts, Section 5.21.10 of the Final EIS/EIR. Mitigation measures include:

**VibC 1** – TJPA shall limit or prohibit use of construction techniques that create high vibration levels. At a minimum, processes such as pile driving would be prohibited at distances less than 250 feet from residences.

**VibC 2** – TJPA shall restrict procedures that contractors can use in vibration sensitive areas. (It is often possible to employ alternative techniques that create lower vibration levels. For example, unrestricted pile driving is one activity that has considerable potential for causing annoying vibration. Using the cast-in-drilled-hole piling method instead will eliminate most potential for vibration impact from the piling.)

**VibC 3** – TJPA shall require vibration monitoring during vibration intensive activities.

**VibC 4** – TJPA shall restrict the hours of vibration intensive activities such as pile driving to weekdays during daytime hours.

**VibC 5** – TJPA shall investigate alternative construction methods and practices to reduce the impacts in coordination with the construction contractor if resident annoyance from vibration becomes a problem.

**VibC 6** – TJPA shall include specific limits, practices and monitoring and reporting procedures for the use of controlled detonation. Control and monitor use of controlled detonation to avoid damage to existing structures. Include specific limits, practices, and monitoring and reporting procedures within contract documents to ensure that such construction methods, if used, would not exceed safety criteria.

## **8. SOILS/GEOLOGY**

See discussion of geologic impacts in Section 5.9 and construction impacts and approaches in Sections 5.20 and 5.21.17 of the Final EIS/EIR. Mitigation measures include:

**SG 1** – TJPA shall monitor adjacent buildings for movement and, if movement is detected, take immediate action to control the movement.

**SG 2** – TJPA shall apply geotechnical and structural engineering principles and conventional construction techniques similar to the design and construction of high-rise buildings and tunnels throughout the downtown area. Apply design measures and utilize pile supported foundations to mitigate potential settlement of the surface and underground stations.

**SG 3** – TJPA shall design and construct structural components of the Project to resist strong ground motions approximating the maximum anticipated earthquake (0.5g). The cut-and-cover portions will require pile supports to minimize non-seismic settlement in soft compressible sediments (Bay Mud). The underground Caltrain station at Fourth and Townsend will require pile-supported foundations due to the presence of underlying soft sediments.

**SG 4** – TJPA shall underpin existing building, where deemed necessary, to protect existing structures from potential damage that could result from excessive ground

movements during construction. Design the tunneling and excavation procedures (and construction sequence), and design of the temporary support system with the objective of controlling ground deformations within small enough levels to avoid damage to adjacent structures. Where the risk of damage to adjacent structures is too great, special measures will be implemented such as: (1) underpinning, (2) ground improvement, and/or (3) strengthening of existing structures to mitigate the risks.

As part of the initial studies performed in 1996, preliminary plans were developed to protect/strengthen existing structures to mitigate the risk of adverse impacts of tunneling on existing structures. Underpinning, if it is deemed necessary, is one of the options for mitigating adverse effects of tunneling on the existing buildings. Underpinning involves modification of the foundations of the building so that the superstructure loads can be transferred beyond the zone of influence of tunneling. Underpinning may include internal strengthening of the superstructure, bracing, reinforcing the existing foundations, or replacing existing foundations with deep foundations embedded outside the tunnel zone of influence. Alternatives, in lieu of underpinning, involve strengthening the rock between the building and the crown of the tunnel. Grouting in combination with inclined pin piles can be used not only to strengthen the rock but make the rock mass over the tunnel act as a rigid beam, allowing construction of tunnels with no adverse effects on the buildings supported on shallow foundations over the tunnel.

Preliminary plans for underpinning have been developed that allow cost estimates to be made for underpinning. During the detailed design phase of the Project, underpinning plans will be developed specific to each of the buildings that may require it. It is not necessary at this stage of the Project to develop detailed underpinning plans.

These issues will be addressed on a case by case basis, along the alignment, during the detailed design phase of the Project. The methodology that is proposed for the Caltrain Downtown Extension, i.e. to design the support system to control ground deformations within tolerances and selectively strengthen structures that may be too weak to resist even small deformations, was successfully used for the Muni Metro Turnback project, and are deemed to be effective for the Caltrain Downtown Extension Project as well.

**SG 5** – TJPA shall assure proper design and construction of pile supported foundations for structures to control potential settlement of the surface. Stability of excavations and resultant impacts on adjacent structures can be controlled within tolerable limits by proper design and implementation of the excavation shoring systems.

## **9. UTILITIES**

See discussion of utility impacts, Sections 5.12 and 5.21.12 of the Final EIS/EIR. Mitigation measures include:

**Util 1** – TJPA shall coordinate with utility providers during preliminary engineering, continuing through final design and construction. Utilities would be avoided, relocated, and/or supported as necessary during construction activities to prevent damage to utility systems and to minimize disruption and degradation of utility service to local customers.

## **10. CULTURAL AND HISTORIC RESOURCES**

See discussion of cultural and historic resources impacts, Section 5.14 of the Final EIS/EIR. Mitigation measures include:

**CH 1** – TJPA shall comply with the provision of the signed Memorandum of Agreement (MOA) between the Federal Transit Administration (FTA), the State Historic Preservation Officer (SHPO), and the TJPA.<sup>2</sup> Provisions of the memorandum of agreement include the measures below.

**CH 2** – Assure supervision of all activities regarding historic preservation, historical archaeology and prehistoric archaeology is carried out by professionals meeting Secretary of the Interior’s professional qualifications standards (48 FR 44738-9).

**CH 3 – Permanent Interpretive Exhibit at the Terminal** – TJPA will direct the design and engineering team for the Project to integrate into the design of the new terminal a dedicated space for a permanent interpretive exhibit. The interpretive exhibit will include at a minimum, but is not necessarily limited to: plaques or markers, a mural or other depiction of the historic terminal, and Key System, or other interpretive material.

**CH 4** – TJPA will consult with the California Department of Transportation (Department) regarding the availability of historical documentary materials and the potential use of salvaged items from the existing Transbay Terminal for the creation of the permanent interpretive display of the history of the original Transbay Terminal building and its association with the San Francisco-Oakland Bay Bridge and the potential salvaged items from the existing Terminal.

In addition, TJPA will also invite the Oakland Heritage Alliance, the San Francisco Architectural Heritage, the California State Railroad Museum, and the Western Railway Museum to participate in this consultation. TJPA, while retaining responsibility for the development of the exhibit, will consider jointly with Department, the participating invitees’ recommendations when finalizing the exhibit design. TJPA will produce, install, and maintain the exhibit.

**CH 5** – TJPA will also consult with the City of Oakland about its interest in having a similar interpretive exhibit in the East Bay. If agreement is reached prior to completion of final design of the Transbay Terminal, TJPA will provide and deliver exhibit materials to a venue designated by the City of Oakland.

**CH 6 – Salvage** – TJPA, in consultation with Department, will identify elements of the existing Transbay Terminal that are suitable for salvage and interpretive use in the exhibit in the new Terminal or by museums. Within two years of signing of the MOA, TJPA will offer these items to San Francisco Architectural Heritage, the California State Railroad Museum, Sacramento, the Western Railway Museum, the Oakland Museum, and any other interested parties. Acceptance of items by interested parties must be completed at least 90 days prior to demolition of the Transbay Transit Terminal. TJPA will remove the items selected in a manner that minimizes damage and will deliver them with legal title to the recipient. Items not accepted for salvage or interpretive use will receive no further consideration under the agreement.

**CH 7 – Oakland Museum of California Exhibit** – TJPA will consult with Department and the Oakland Museum about contributing to Department’s exhibit at the Oakland Museum relating to the history and engineering of the major historic state bridges of the San Francisco Bay Area. TJPA will propose contributions to such an exhibit that may include an interpretive video including the history of the Transbay Terminal and the Key System. Components to such an exhibit may include photographs, drawings, videotape, models, oral histories, and salvaged components from the terminal.

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<sup>2</sup> A copy of the Memorandum of Agreement is included as Appendix G of the Final EIS/EIR.

**CH 8** – In addition, TJPA will assist the Museum by contributing to the cost of preparing and presenting the exhibit, interpretive video, as well as the costs of an exhibit catalog or related museum publication in conjunction with the exhibit, in a manner and to the extent agreed upon by TJPA, Department, and the Oakland Museum of California if consultation results in agreement between TJPA and Oakland Museum prior to demolition of the existing Transbay Transit Terminal. TJPA has established a maximum budget of \$50,000.00 for the Oakland Museum of California exhibit and the interpretive video.

**CH 9 – Documentation** – Prior to the start of any work that would have an adverse effect on historic properties, TJPA will consult with the California SHPO, to ensure that the Transbay Terminal has been adequately recorded by past efforts. Collectively, these past studies, which include Department’s past recordation of a series of remodeling and seismic retrofit projects that have occurred since 1993, may adequately document the building, making Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) documentation unnecessary. In addition, TJPA, assisted by Department, will seek to obtain the original drawings of the Transbay Transit Terminal by the architect Timothy Pflueger. If the drawings cannot be copied and included in the documentation, then TJPA will consult with SHPO regarding recordation level and specifications for completing additional documentation. When the SHPO finds the documentation to be adequate, then TJPA will compile this documentation into a comprehensive record.

All documentation will be submitted to SHPO and Department Headquarters Library with a xerographic copies to the History Center at the San Francisco Public Library, San Francisco Architectural Heritage, the Oakland History Room of the Oakland Public Library, the Oakland Museum of California, the Western Railway Museum, and Department District 4 Office.. TJPA will ensure that these records are accepted by SHPO prior to demolition of the Transbay Transit Terminal.

**CH 10** – TJPA will develop and implement measures, in consultation with the owners of historic properties immediately adjoining the construction sites, to protect the contributing elements of the Second and Howard Streets Historic District and the Rincon Point/South Beach Historic Warehouse Industrial District from damage by any aspect of the Project. Such measures will include, but are not necessarily limited to those identified in this Mitigation Monitoring Plan.

**CH 11 – HABS/HAER Documentation** – Prior to the start of any work that would have an adverse effect on historic properties, TJPA will ensure that the three historic properties to be demolished are recorded in accordance with HABS/HAER standards, as appropriate. These buildings are:

- 191 2nd Street, (APN: 3721-022),
- 580-586 Howard Street, (APN: 3721-092 through 3721-106), and
- 165-173 2nd Street, (APN: 3721-025).

All documentation will be submitted to SHPO, with xerographic copies to the History Center at the San Francisco Public Library, San Francisco Architectural Heritage, and the Oakland History Room of the Oakland Public Library. TJPA will ensure that these HABS/HAER records are accepted by NPS prior to carrying out any other treatment.

**CH 12 – Repair of Inadvertent Damage** – TJPA will ensure that any damage to contributing elements of the Second and Howard Streets Historic District and the Rincon

Point/South Beach Historic Warehouse Industrial District resulting from the Project will be repaired in accordance with the Secretary of the Interior's Standards for Rehabilitation. The condition of the contributing properties will be photographed prior to the start of the Project to establish the baseline condition for assessing damage. To record these existing conditions, TJPA will consult with property owner(s) about the appropriate level of photographic documentation of building interiors and exteriors. A copy of this photographic documentation will be provided to the property owner(s), and will be retained on file by TJPA. If repair of inadvertent damage is necessary, TJPA will submit plans to the SHPO for review and comment to ensure conformance with the Secretary of the Interior's Standards for Rehabilitation.

**CH 13** – TJPA shall Prepare a comprehensive Research Design/Treatment Plan for archeological resources prepared by a qualified consultant. The Research Design/Treatment Plan will be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and take into account the ACHP publication, Treatment of Archaeological Properties: A Handbook (ACHP 1980), and SHPO guidelines.

The Research Design/Treatment Plan will include, at a minimum:

- i An Historical Context for the Area of Potential Effects for Archaeological Resources (APEAR).** The Historical Context will present prehistoric and historic-era overviews of the Project area. The Historical Context should incorporate data developed in the Archaeological Research Design and Treatment Plan for SF-480 Terminal Separation Rebuild (Praetzellis and Praetzellis, 1993) and the San Francisco-Oakland Bay Bridge, West Approach Replacement: Archaeological Research Design and Treatment Plan (Ziesing, 2000) for the portions of the APEAR within the scope of these documents.
- ii A Research Context for the APEAR.** The Research Context will identify expected archeological property types and develop research themes, questions, and data needs. To the extent applicable to expected property types, the Research Context will incorporate the research framework developed in the Revised Historical Archaeology Research Design for the Central Freeway Replacement Project (Thad M. Van Bueren, Mary Praetzellis, Adrian Praetzellis, Frank Lortie, Brian Ramos, Meg Scantlebury and Judy D. Tordoff).
- iii Testing/Data Recovery Plan** that will specify, at minimum:
  - The properties or portion of properties where evaluation and/or data recovery are to be carried out;
  - The properties, if any, that will be affected by the Project but for which no data recovery will be carried out;
  - The manner in which inadvertent discoveries will be treated;
  - The methods to be used for data recovery, with an explanation of their relevance to the research questions/themes;
  - The methods to be used in cataloguing, analysis, data management, and dissemination of data;
  - The proposed disposition of recovered materials and records, including discard and deaccession;

- The manner in which any human remains and associated/unassociated funerary objects, including those of Native American or Native Hawaiian origin, will be treated;
- The security procedures to be undertaken to protect the archeological testing/data recovery site from vandalism, theft, or unintended damage;
- The final report summarizing, describing and interpreting the results of testing/data recovery;
- The measures to be undertaken to ensure curation of recovered data determined to have appropriate research potential.
- Research Design/Treatment Plan Review

**CH 14** – TJPA will submit the Research Design/Treatment Plan to all parties to the MOA for a thirty (30) calendar day review following receipt of the Plan. If any party fails to submit their comments within thirty (30) days, TJPA may assume that party's concurrence with the Research Design/Treatment Plan. TJPA will take any review comments into account, revise the Research Design/Treatment Plan accordingly, and will notify any party whose comments were not incorporated into the Plan.

**CH15** –In consultation with FTA and SHPO, re-evaluate the Bay Bridge, a property listed on the NRHP, and determine whether the National Register nomination should be amended or whether the bridge no longer qualifies for listing and should be removed from the National Register.

**CH16** –In consultation with FTA and SHPO, re-revaluate the Second and Howard Streets Historic District and determine whether the National Register nomination should be amended or whether the district no longer qualifies for listing and should be removed from the National Register.

## **11. HAZARDOUS MATERIALS/WASTE - OPERATIONS**

See discussion of hazardous material and waste impacts, Section 5.15 of the Final EIS/EIR. Mitigation measures include:

**HWO 1** – The Peninsula Corridor Joint Powers Board (JPB) – the agency responsible for operating Caltrain – shall construct and operate any fueling facility in compliance with local, state and Federal regulations regarding handling and storage of hazardous materials.

**HWO 2** – JPB shall equip diesel fuel pumps with emergency shut-off valves and, in compliance with U.S. EPA requirements, fuel Underground Storage Tanks (USTs) would be equipped with leak detection and monitoring systems.

**HWO 3** – JPB shall employ the use of secondary containment systems for any aboveground storage tanks.

**HWO 4** – JPB shall store cleaning solvents in 55-gallon drums, or other appropriate containers, within a bermed area to provide secondary containment.

**HWO 5** – JPB shall slope paved surfaces within the fueling facility and the solvent storage area to a sump where any spilled liquids could be recovered for proper disposal.

**HWO 6** – JPB shall follow California OSHA and local standards for fire protection and prevention for the handling and storage of fuels and solvents.

**HWO 7** – JPB shall prepare a Hazardous Materials Management/ Business Plan and file with the San Francisco Department of Public Health.

## **12. HAZARDOUS MATERIALS/WASTE – CONSTRUCTION**

See discussion of hazardous material and waste impacts during construction, Section 5.21.15 of the Final EIS/EIR. Mitigation measures include:

**HMC 1** – TJPA shall follow California OSHA and local standards for fire protection and prevention. Handling and storage of fuels and other flammable materials during construction will conform to these requirements, which include appropriate storage of flammable liquids and prohibition of open flames within 50 feet of flammable storage areas.

**HMC 2** – TJPA shall perform detailed investigations of the potential presence of contaminants in soil and groundwater prior to construction, using conventional drilling, sampling, and chemical testing methods. Based on the chemical test results, a mitigation plan will be developed to establish guidelines for the disposal of contaminated soil and discharge of contaminated dewatering effluent, and to generate data to address potential human health and safety issues that may arise as a result of contact with contaminated soil or groundwater during construction. The investigation and mitigation plan will follow the requirements of the City and County of San Francisco’s Article 22A in the appropriate areas along the alignment.

With construction projects of this nature and magnitude, there are typically two different management strategies that can be employed to address contaminated soil handling and disposal issues. Contaminated soil can be excavated and stockpiled at a centralized location and subsequently sampled and analyzed for disposal profiling purposes in accordance with the requirements of the candidate disposal landfill. Alternatively, soil profiling for disposal purposes can be done in-situ so when soil is excavated it is loaded directly on to trucks and hauled to the appropriate landfill facility for disposal based on the in-situ profiling results. A project of this nature could also combine both strategies.

**HMC 3** – TJPA shall cover with plastic sheeting soils removed during excavation and grading activities that remain at a centralized location for an extended period of time to prevent the generation of fugitive dust emissions that migrate offsite.

**HMC 4** – TJPA shall use a licensed waste hauler, applying appropriate manifests or bill of lading procedures, as required to haul soil for disposal at a landfill or recycling facility.

**HMC 5** – TJPA shall use chemical test results for groundwater samples along the alignment to obtain a Batch Discharge Permit under Article 4.1 of the San Francisco Department of Public Works as well as to evaluate requirements for pretreatment prior to discharge to the sanitary sewer. Effluent produced during the dewatering of excavations will be collected in onsite storage tanks and periodically tested, as required under discharge permit requirements, for potential contamination to confirm the need for any treatment prior to discharge. If required, treatment may include:

- Settling to allow particulate matter (total suspended solids) to settle out of the effluent in order to reduce the sediment load as well as reduce elevated metal and

other contaminant concentrations that may be associated with suspended sediments; and/or

- Construction of a small-scale batch waste water treatment system to remove dissolved contaminants (mainly organic constituents such as petroleum hydrocarbons (gas, diesel, and oils), BTEX, and VOCs) from the dewatering effluent prior to discharge to the sanitary sewer. A treatment system would also likely employ the use of filtration to remove suspended solids.

**HMC 6** – TJPA shall develop a detailed mitigation plan for the handling of potentially contaminated soil and groundwater prior to starting Project construction.

**HMC 7** – TJPA shall design dewatering systems to minimize downward migration of contaminants that can result from lowering the water table if necessary based on environmental conditions. As necessary, shallow soils with detected contamination would be dewatered first using wells screened only in those soils. Dewatering of deeper soils would then be performed using wells screened only in the zone to be dewatered. Dewatering wells would be installed using drilling methods that prohibit shallow contaminated soils from being carried deeper into the boreholes.

**HMC 8** – TJPA shall require that workers performing activities on site that may involve contact with contaminated soil or groundwater have appropriate health and safety training in accordance with 29 CFR 1910.120.

A Worker Health and Safety Plan (HSP) will be developed for the Project and monitored for the implementation of the plan on a day-to-day basis by a Certified Industrial Hygienist (CIH). The HSP will include provisions for:

- Conducting preliminary site investigations and analysis of potential job hazards;
- Personnel protective equipment;
- Safe work practices;
- Site control;
- Exposure monitoring;
- Decontamination procedures; and
- Emergency response actions.

The HSP will specify mitigation of potential worker and public exposure to airborne contaminant migration by incorporating dust suppression techniques in construction procedures. The plan will also specify mitigation of worker and environmental exposure to contaminant migration via surface water runoff pathways by implementation of comprehensive measures to control drainage from excavations and saturated materials excavated during construction.

**HMC 9** – TJPA shall review existing asbestos surveys, abatement reports, and supplemental asbestos surveys, as warranted. Perform an asbestos survey for buildings to be demolished, as required. Asbestos-containing building materials (ACM) will require abatement prior to building demolition. Removal and disposal of ACM will be performed in accordance with applicable local, state, and federal regulations.

**HMC 10** – TJPA shall perform a lead-based paint survey for buildings to be demolished to determine areas where lead-based paint is present and the possible need for abatement prior to demolition.

### **13. PEDESTRIANS**

See discussion of pedestrian impacts, Section 5.19.6.1 of the Final EIS/EIR. Mitigation measures include:

**Ped 1** – Agency and City shall use future construction or redevelopment as opportunities to increase building set-backs thereby increasing sidewalk widths. Particular areas where such widening is most needed include:

- Southeast corner Fremont/Mission Street;
- Northeast corner First/Mission Street;
- North side of Mission Street between First and Fremont; and
- Sidewalks south of Howard Street along Folsom, First, Fremont, and Beale that are less than 10 feet wide.

**Ped 2** – Agency and City shall eliminate or reduce sidewalk street furniture such as newspaper boxes and magazine racks in the immediate Transbay Terminal area on corners.

**Ped 3** – City shall retime traffic light signalization. This could improve pedestrian levels of service at each of the intersections studies that fall into LOS F.

**Ped 4** – City shall provide crosswalk signalization at intersections where they do not exist already, such as Folsom and Beale Streets.

**Ped 5** – City shall provide cross-walk count-down signals at intersections and cross-walks immediately surrounding the new Transbay Terminal.

**Ped 6** –TJPA shall ensure that Transbay Terminal design increases corner and sidewalk widths at the four intersections immediately surrounding the Transbay Terminal.

**Ped 7** – TJPA shall provide lights within crosswalks to warn when pedestrians are present in the crosswalk, such as at the cross-walk associated with the mid-block bus loading area.

### **14. PRE-CONSTRUCTION ACTIVITIES**

See discussion of construction impacts, Section 5.20.1 of the Final EIS/EIR. Mitigation measures include:

**PC 1** – TJPA shall complete a pre-construction building structural survey to determine the integrity of existing buildings adjacent to and over the proposed Caltrain Downtown Extension. Use this survey to finalize detailed construction techniques along the alignment and as the baseline for monitoring construction impacts during and following construction.

**PC 2** – TJPA shall contact and interview individual businesses along the Caltrain Extension alignment to gather information and develop an understanding of how these businesses carry out their work. This survey will identify business usage, delivery/shipping patterns, and critical times of the day or year for business activities. Use this information to assist in: (a) the identification of possible techniques during construction to maintain critical business activities, (b) analyze alternative access routes

for customers and deliveries to businesses, (c) develop traffic control and detour plans, and (d) finalize construction practices.

**PC 3** – TJPA shall complete detailed geotechnical investigation, including additional sampling (drilling and core samples) and analyses of subsurface soil/rock conditions. Use this information to design the excavation and its support system to be used in the retained cut, cut-and-cover, and tunnel portions of the Caltrain Downtown Extension.

**PC 4** – TJPA shall establish community construction information/outreach program to provide on-going dialogue among the TJPA and the affected community regarding construction impacts and possible mitigation/solutions. Include dedicated personnel for an outreach office in the construction area to deal with construction coordination.

**PC 5** – TJPA shall establish site and field offices located along the Caltrain Downtown Extension alignment. Field office staff, in conjunction with other staff, will:

- Provide the community and businesses with a physical location where information pertaining to construction can be exchanged,
- Enable TJPA and JPB to better understand community/business needs during the construction period,
- Allow TJPA and JPB to participate in local events in an effort to promote public awareness of the Project,
- Manage construction-related matters pertaining to the public,
- Notify property owners, residences, and businesses of major construction activities (e.g., utility relocation/disruption and milestones, re-routing of delivery trucks),
- Provide literature to the public and press,
- Promote and provide presentations on the Project via a Speakers Bureau,
- Respond to phone inquires,
- Coordinate business outreach programs,
- Schedule promotional displays, and
- Participate in community committees.

**PC 6** – TJPA shall implement an information phone line to provide community members and businesses the opportunity to express their views regarding construction. Review calls received and, as appropriate, forward the message to the necessary party for action (e.g., utility company, fire department, the Resident Engineer in charge of construction operations). Information available from the telephone line will include current Project schedule, dates for upcoming community meetings, notice of construction impacts, individual problem solving, construction complaints and general information. Phone service would be provided in English, Cantonese, and Spanish and would be operated on a 24-hour basis.

**PC 7** – TJPA shall develop traffic management plans. Traffic management plans to maintain access to all businesses will be prepared for areas affected by surface or cut-and-cover construction. In addition, daily cleaning of work areas would be performed by contractors for the duration of the construction period. Provisions would be contained in construction contracts to require the maintenance of driveway access to businesses to the extent feasible.

## **15. GENERAL CONSTRUCTION MEASURES**

See discussion of construction staging and methods and construction impacts, Sections 5.20 and 5.21 of the Final EIS/EIR. Mitigation measures include:

**GC 1** – TJPA shall disseminate information to community in a timely manner regarding anticipated construction activities.

**GC 2** – TJPA shall provide signage. Work with establishments affected by construction activities to develop appropriate signage for display that directs both pedestrian and vehicular traffic to businesses via alternate routes.

**GC 3** – TJPA shall install level deck. Install decking at the cut-and-cover sections to be flush with the existing street or sidewalk levels.

**GC 4** – TJPA shall provide for efficient sidewalk design and maintenance. Wherever feasible, maintain sidewalks at the existing width during construction. Where a sidewalk must be temporarily narrowed during construction (e.g., deck installation), restore it to its original width during the majority of construction period. (In some places this may require placing the temporary sidewalk on the deck.) Each sidewalk design should be of good quality and approved by the Resident Engineer prior to construction. Handicapped access will be maintained during construction where feasible.

**GC 5** – TJPA shall provide construction site fencing of good quality, capable of supporting the accidental application of the weight of an adult without collapse or major deformation. Where covered walkways or other solid surface fencing is installed, establish a program to allow for art work (e.g., by local students) on the surface(s).

## **16. AIR EMISSIONS – CONSTRUCTION**

See discussion of air emission impacts from construction, Section 5.21.9 of the Final EIS/EIR. The following mitigation measures are derived from the "basic control measures" and the "enhanced control measures" recommended by the Bay Area Air Quality Management District (BAAQMD). Mitigation measures include:

**AC 1** – TJPA shall assure that, as part of the contract provisions, the Project contractor is required to implement the measures below at all Project construction sites.

**AC 2** – TJPA shall water all active construction areas at least twice daily. Ordinance 175-91, passed by the San Francisco Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities; therefore the Project contractor would be required to obtain reclaimed water from the City's Clean Water Program or other appropriate sources.

**AC 3** – TJPA shall cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.

**AC 4** – TJPA shall pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

**AC 5** – TJPA shall sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.

**AC 6** – TJPA shall sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

**AC 7** – TJPA shall install sandbags or other erosion control measures to prevent silt runoff to public roadways.

**AC 8** – TJPA shall replant vegetation in disturbed areas as quickly as possible.

**AC 9** – TJPA shall minimize use of on-site diesel construction equipment, particularly unnecessary idling.

**AC 10** – TJPA shall shut off construction equipment to reduce idling when not in direct use.

**AC 11** – TJPA shall, where feasible, replace diesel equipment with electrically powered machinery.

**AC 12** – TJPA shall locate diesel engines, motors, or equipment as far away as possible from existing residential areas.

**AC 13** – TJPA shall properly tune and maintain all diesel power equipment.

**AC 14** – TJPA shall suspend grading operations during first and second stage smog alerts, and during high winds, i.e., greater than 25 miles per hour.

**AC 15** – TJPA, shall, upon completion of the construction phase, buildings with visible signs of dirt and debris from the construction site shall be power washed and/or painted (given that permission is obtained from the property owner to gain access to and wash the property with no fee charged by the owner).

## **17. VISUAL/AESTHETICS – CONSTRUCTION**

See discussion of visual/aesthetic impacts from construction, Section 5.21.16 of the Final EIS/EIR. Short-term visual changes as a result of construction activities are a common and accepted feature of the urban environment, and generally mitigation is not required. Nonetheless, mitigation measures include:

**VA 1** – TJPA shall assure that construction crews working at night direct any artificial lighting onto the work site in order to minimize "spill over" light or glare effects on adjacent areas.

**VA 2** – TJPA shall assure that contractors make all efforts possible to minimize specific aesthetic and visual effects of construction identified by neighborhood businesses and residents.

## Exhibit 2

### TRANSBAY TERMINAL/CALTRAIN DOWNTOWN EXTENSION/ REDEVELOPMENT PROJECT

#### MITIGATION MONITORING AND REPORTING PROGRAM

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##### INTRODUCTION

Assembly Bill (AB) 3180 was enacted by the State Legislature to provide a mechanism to ensure that mitigation measures adopted through the California Environmental Quality Act ("CEQA") process are implemented in a timely manner and in accordance with the terms of project approval. Under AB 3180, local agencies are required to adopt a monitoring or reporting program designed to ensure compliance during project implementation.

The Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Mitigation Monitoring and Reporting Program ("Mitigation Monitoring Program"), pursuant to AB 3180, CEQA Section 21081.6 and CEQA Guidelines Section 15091, provides the basic framework through which adopted mitigation measures will be monitored to ensure implementation.

##### ORGANIZATION

The Mitigation Monitoring Program is organized in a table format, keyed to each adopted Final EIS/EIR mitigation measure. For each measure, the table: (1) lists the mitigation measure; (2) specifies the party responsible for implementing the measure; (3) establishes a schedule for mitigation implementation; (4) assigns mitigation monitoring responsibility; and (5) establishes monitoring actions and a schedule for mitigation monitoring.

##### IMPLEMENTATION

While the Mitigation Monitoring Program generally outlines the actions, responsibilities and schedule for mitigation monitoring, it does not attempt to specify the detailed procedures to be used to verify implementation (e.g., interactions between the Project Sponsor – the Transbay Joint Powers Authority, the San Francisco Redevelopment Agency and City of San Francisco departments, use of private consultants, signed-off on plans, site inspections, etc.). Specific monitoring procedures are either contained in approval documents or will be developed at a later date, closer to the time the mitigation measures will actually be implemented.

The majority of the measures will be monitored primarily by the Transbay Joint Powers Authority (TJPA), in consultation with other City and non-City agencies, as part of the site permit, building permit processes or other development actions.



**EXHIBIT 2**

**TRANSBAY TERMINAL/CALTRAIN DOWNTOWN EXTENSION/REDEVELOPMENT PROJECT  
FEIS/FEIR MITIGATION MONITORING AND REPORTING PROGRAM**

<b>MITIGATION MEASURE</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring Responsibility</b>	<b>Monitoring Actions/Schedule</b>
<b>Wind</b>				
<b>W 1</b> – Consider potential wind effects of an individual project for the Redevelopment area. If necessary, perform wind tunnel testing in accordance with City Planning Code Section 148. If exceedences of the wind hazard criterion should occur for any individual project, require design modifications or other mitigation measures to mitigate or eliminate these exceedences. Tailor mitigation measures to the individual needs of each project. Examples of mitigation measures include articulation of building sides and softening of sharp building edges.	San Francisco Redevelopment Agency (Agency)	During environmental review process preceding approval of each individual project in Transbay Redevelopment Project Area	Agency	Apply project review procedures for wind when projects are developed by or proposed to Agency
<b>Property Acquisition/Relocation</b>				
<b>Prop 1</b> – Apply federal Uniform Relocation Act (Public Law 91-646) and California Relocation Act (Chapter 16, Section 7260 et seq. of the Government Code) and related laws and regulations governing both land acquisition and relocation. All real property to be acquired will be appraised to determine its fair market value before an offer is made to each property owner. (Minimum relocation payments are detailed in the laws, and include moving and search payments for businesses.) Provide information, assistance, and payments to all displaced businesses in accordance with these laws and regulations.	City and County of San Francisco (CCSF), Agency, and TJPA	Prior to & during property acquisition & relocation activities	TJPA	TJPA to report to Board on compliance during acquisition & relocation activities
<b>Safety and Emergency Services</b>				
<b>Saf 1</b> – Provide project plans to the San Francisco Fire Department for its review to ensure that adequate life safety measures and emergency access are incorporated into the design and construction of Project facilities.	Transbay Joint Powers Authority (TJPA)	Prior to project facility permitting & during construction	TJPA	Project facility plans to be forwarded to CCSF Fire Department prior to permit issuance Inspect installation during construction

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**TRANSBAY TERMINAL/CALTRAIN DOWNTOWN EXTENSION/REDEVELOPMENT PROJECT  
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<b>MITIGATION MEASURE</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring Responsibility</b>	<b>Monitoring Actions/Schedule</b>
<b>Saf 2</b> – Prepare a life safety plan including the provision of on-site measures such as a fire command post at the Terminal, the Fire Department’s 800-megahertz radio system and all necessary fire suppression equipment.	TJPA	Prior to project facility permitting	TJPA	TJPA to develop life safety plan during facility design phases & implement during testing & startup up phase
<b>Saf 3</b> – Prepare a risk analysis to accurately determine the number of personnel necessary to maintain an acceptable level of service at Project facilities.	TJPA	Prior to project facility permitting	TJPA	TJPA to develop risk analysis during facility design phases
<b>Noise - Operations</b>				
<b>NoiO 1</b> – Apply noise mitigation at the following locations adjacent to the bus storage facility:	TJPA	During construction	TJPA	TJPA to design detailed noise mitigation during preliminary & final design phases. TJPA engineering staff to inspect installation and/or construction of mitigation measures
<ul style="list-style-type: none"> <li>○ Provide sound insulation to mitigate noise impacts at the residences north of the AC Transit Facility at the corner of Perry and Third Street. At a minimum, apply sound insulation to the façade facing the bus storage facility (the south façade).</li> <li>○ Construct two noise barriers to mitigate noise impacts to Residences south of the AC Transit Facility along Stillman Street. The first noise barrier would be approximately 10-12 feet high and run along the southern edge of the AC Transit storage facility. The second noise barrier would be approximately 5-6 feet high and would be located on the portion of the ramp at the southwestern corner of the AC Transit facility. Treat the noise barriers with an absorptive material on the side facing the facility to minimize the potential for reflections off the underside of the freeway.</li> <li>○ Construct a noise barrier to mitigate noise impacts to residences south of the Golden Gate Transit Facility along Stillman Street. The barrier would be approximately 10-12 feet high and run along the southern and a portion of the eastern edge of the Golden Gate Transit storage facility.</li> </ul>				

**EXHIBIT 2**

**TRANSBAY TERMINAL/CALTRAIN DOWNTOWN EXTENSION/REDEVELOPMENT PROJECT  
FEIS/FEIR MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURE	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Treat the noise barriers with an absorptive material on the side facing the facility to minimize the potential for reflections off the underside of the freeway.</p>				
<p><b>NoiO 2</b> – Landscape the noise walls. Develop the actual design of the walls in cooperation with area residents.</p>	TJPA	During preliminary and final design	TJPA	TJPA to work with area residents during design of noise walls
<p><b>NoiO 3</b> – Construct noise walls prior to the development of the permanent bus facilities.</p>	TJPA	During schedule development, construction document preparation & construction	TJPA	TJPA to develop program schedule and contract documents to implement this construction sequencing requirement
<b>Noise – Construction</b>				
<p><b>NoiC 1 – Comply with San Francisco noise ordinance.</b> The noise ordinance includes specific limits on noise from construction. The basic requirements are:</p> <ul style="list-style-type: none"> <li>o Maximum noise level from any piece of powered construction equipment is limited to 80 dBA at 100 ft. This translates to 86 dBA at 50 feet.</li> <li>o Impact tools are exempted, although such equipment must be equipped with effective mufflers and shields. The noise control equipment on impact tools must be as recommended by the manufacturer and approved by the Director of Public Works.</li> <li>o Construction activity is prohibited between 8 p.m. and 7 a.m. if it causes noise that exceeds the ambient noise plus 5 dBA.</li> </ul> <p>The noise ordinance is enforced by the San Francisco DPW, which may waive some of the noise requirements to expedite the project or minimize traffic impacts. For example, along Townsend Street where much of the land use is commercial,</p>	TJPA	During preparation of construction contract documents & construction	TJPA	TJPA to work with CCSF Department of Public Works (DPW) regarding construction noise mitigation program

**EXHIBIT 2**

**TRANSBAY TERMINAL/CALTRAIN DOWNTOWN EXTENSION/REDEVELOPMENT PROJECT  
FEIS/FEIR MITIGATION MONITORING AND REPORTING PROGRAM**

<b>MITIGATION MEASURE</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring Responsibility</b>	<b>Monitoring Actions/Schedule</b>
<p>business owners may prefer nighttime construction since it would reduce disruption during normal business hours. The DPW waivers usually allow most construction processes to continue until 2 a.m., although construction processes that involve impacts are rarely allowed to extend beyond 10 p.m. This category would include equipment used in demolition such as jackhammers and hoe rams, and pile driving. It is not anticipated that the construction documents would have specific limits on nighttime construction. There may be times when nighttime construction is desirable (e.g., in commercial districts where nighttime construction would be less disruptive to businesses in the area) or necessary to avoid unacceptable traffic disruptions. Since the construction would be subject to the requirements of the San Francisco noise regulations, in these cases, the contractor would need to work with the DPW to come up with an acceptable approach balancing interruption of the business and residential community, traffic disruptions, and reducing the total duration of the construction.</p>				
<b>NoiC 2</b> – Conduct noise monitoring. The purpose of monitoring is to ensure that contractors take all reasonable steps to minimize noise.	TJPA	During construction	TJPA	Monitoring data to be provided to CCSF DPW
<b>NoiC 3</b> – Conduct inspections and noise testing of equipment. This measure will ensure that all equipment on the site is in good condition and effectively muffled	TJPA	During construction	TJPA	Perform monitoring during construction
<b>NoiC 4</b> – Implement an active community liaison program. This program would keep residents informed about construction plans so they can plan around periods of particularly high noise levels and would provide a conduit for residents to express any concerns or complaints about noise.	TJPA	During construction	TJPA	TJPA to develop & initiate community liaison program during final design prior to construction. Program will continue during construction

**EXHIBIT 2**

**TRANSBAY TERMINAL/CALTRAIN DOWNTOWN EXTENSION/REDEVELOPMENT PROJECT  
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<p><b>NoiC 5</b> – Minimize use of vehicle backup alarms. Because backup alarms are designed to get people's attention, the sound can be very noticeable even when their sound level does not exceed the ambient, and it is common for backup alarms at construction sites to be major sources of noise complaints. A common approach to minimizing the use of backup alarms is to design the construction site with a circular flow pattern that minimizes backing up of trucks and other heavy equipment. Another approach to reducing the intrusion of backup alarms is to require all equipment on the site to be equipped with ambient sensitive alarms. With this type of alarm, the alarm sound is automatically adjusted based on the ambient noise. In nighttime hours when ambient noise is low, the backup alarm is adjusted down.</p>	TJPA	During construction document preparation & construction	TJPA	Review contract specifications during final design & inspect construction
<p><b>NoiC 6</b> – Include noise control requirements in construction specifications. These should require the contractor to:</p> <ul style="list-style-type: none"> <li>○ Perform all construction in a manner to minimize noise. The contractor should be required to select construction processes and techniques that create the lowest noise levels. Examples are using predrilled piles instead of impact pile driving, mixing concrete offsite instead of onsite, and using hydraulic tools instead of pneumatic impact tools.</li> <li>○ Use equipment with effective mufflers. Diesel motors are often the major noise source on construction sites. Contractors should be required to employ equipment fitted with the most effective commercially available mufflers.</li> <li>○ Perform construction in a manner to maintain noise levels at noise sensitive land uses below specific limits.</li> <li>○ Perform noise monitoring to demonstrate compliance with the noise limits. Independent noise monitoring should be performed to check compliance in particularly sensitive areas.</li> </ul>	TJPA	Final Design & construction	TJPA	TJPA to develop detailed noise control requirements during preliminary engineering & final design. Insure contractor obtains permits if necessary. Inspect construction activities for compliance & monitor noise levels. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as CCSF Department of Parking & Traffic (DPT) and DPW

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<ul style="list-style-type: none"><li>○ Minimize construction activities during evening, nighttime, weekend and holiday periods. Permits would be required before construction can be performed in noise sensitive areas during these periods.</li><li>○ Select haul routes that minimize intrusion to residential areas. This is particularly important for the trench alternatives that will require hauling large quantities of excavation material to disposal sites.</li></ul> <p>Controlling noise in contractor work areas during nighttime hours is likely to require some mixture of the following approaches:</p> <ul style="list-style-type: none"><li>○ Restrictions on noise producing activities during nighttime hours.</li><li>○ Laying out the site to keep noise producing activities as far as possible from residences, to minimize the use of backup alarms, and to minimize truck activity and truck queuing near the residential areas.</li><li>○ Use of procedures and equipment that produce lower noise levels than normal. For example, some manufacturers of construction equipment can supply special noise control kits with highly effective mufflers and other materials that substantially reduce noise emissions of equipment such as generators, tunnel ventilation equipment, and heavy diesel power equipment including mobile cranes and front-end loaders.</li><li>○ Use of temporary barriers near noisy activities. By locating the barriers close enough to the noise source, it is possible to obtain substantial noise attenuation with barriers 10 to 12 feet high even though the residences are 30 to 40 feet higher than the construction site.</li></ul>				

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<ul style="list-style-type: none"> <li>○ Use of partial enclosures around noisy activities. It is sometimes necessary to construct shed-like structures or complete buildings to contain the noise from nighttime activities.</li> </ul>				
<b>Vibration – Operations</b>				
<p><b>VibO 1</b> – Use high-resilience track fasteners or a resiliently supported tie system for the Caltrain Downtown Extension for areas projected to exceed vibration criteria, including the following locations: (1) Live/Work Condos, 388 Townsend Street (Hubbell and Seventh), (2) San Francisco Residences on Bryant (Harrison Parking Lot Site), (3) Clock Tower Building, and Second Street High Rise and (4) new Marriott Courtyard (Marine Firefighter's Union).</p>	TJPA	During preliminary engineering, final design & construction	TJPA	TJPA to develop locations/use of resilience track fasteners or resiliently supported tie system during preliminary engineering & final design. Review construction documents & inspect installation. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as CCSF Department of Building Inspection (DBI) and DPW.
<b>Vibration – Construction</b>				
<p><b>VibC 1</b> – Limit or prohibit use of construction techniques that create high vibration levels. At a minimum, processes such as pile driving would be prohibited at distances less than 250 feet from residences.</p>	TJPA	During preliminary engineering , final design & construction	TJPA	TJPA to ensure preliminary design, final design & contract documents preclude use of pile driving equipment within 250 feet of residences. Construction management & inspection will monitor contractors' activities to insure compliance. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DBI and DPW

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<b>VibC 2</b> – Restrict procedures that contractors can use in vibration sensitive areas. (It is often possible to employ alternative techniques that create lower vibration levels. For example, unrestricted pile driving is one activity that has considerable potential for causing annoying vibration. Using the cast-in-drilled-hole piling method instead will eliminate most potential for vibration impact from the piling.)	TJPA	During preliminary engineering, final design & construction	TJPA	TJPA to establish construction vibration design standards during final design. Include provisions in contract documents & monitor contractors' activities to insure compliance. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DBI and DPW
<b>VibC 3</b> – Require vibration monitoring during vibration intensive activities.	TJPA	During construction	TJPA	TJPA to include provisions for vibration monitoring in construction contract documents or perform monitoring under a separate contract. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DBI and DPW
<b>VibC 4</b> – Restrict the hours of vibration intensive activities such as pile driving to weekdays during daytime hours.	TJPA	During design & construction	TJPA	TJPA to include provisions in contract documents & monitor contractors' activities to insure compliance
<b>VibC 5</b> – Investigate alternative construction methods and practices to reduce the impacts in coordination with the construction contractor if resident annoyance from vibration becomes a problem.	TJPA	During final design & during construction	TJPA	TJPA to include provisions in contract documents & monitor contractors' activities to insure compliance. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DBI and DPW
<b>VibC 6</b> – Include specific limits, practices and monitoring and reporting procedures for the use of controlled detonation. Control and monitor use of controlled detonation to avoid damage to existing structures. Include specific limits, practices, and monitoring and reporting procedures within contract documents to ensure that such construction methods, if used, would not exceed safety criteria.	TJPA	During final design & during construction	TJPA	TJPA to establish detailed limits, practices, and monitoring program for controlled detonation during final design. Include provisions in contract documents & monitor contractors' activities to insure compliance. Where applicable, coordinate with CCSF

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				departments with jurisdiction over activities, such as DBI and DPW
<b>Soils/Geology</b>				
SG 1 – Monitor adjacent buildings for movement and, if movement is detected, take immediate action to control the movement.	TJPA	During construction	TJPA	TJPA to include provisions in contract documents requiring such monitoring and corrective measures and inspect contractors' activities to insure compliance. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DBI and DPW
SG 2 – Apply geotechnical and structural engineering principles and conventional construction techniques similar to the design and construction of high-rise buildings and tunnels throughout the downtown area. Apply design measures and utilize pile supported foundations to mitigate potential settlement of the surface and underground stations.	TJPA	During preliminary engineering and final design	TJPA	TJPA to review design and contract documents to insure implementation. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DBI and DPW
SG 3 – Design and construct structural components of the project to resist strong ground motions approximating the maximum anticipated earthquake (0.5g). The cut-and-cover portions will require pile supports to minimize non-seismic settlement in soft compressible sediments (Bay Mud). The underground Caltrain station at Fourth and Townsend will require pile-supported foundations due to the presence of underlying soft sediments.	TJPA	During preliminary engineering, final design & construction	TJPA	TJPA to design structural components to meet seismic standards during preliminary engineering & final design. Review design, contract documents & construction activities to insure implementation. Where applicable, coordinate with JPB and CCSF departments with jurisdiction over activities, such as DBI and DPW
SG 4 – Underpin existing building, where deemed necessary, to protect existing structures from potential damage that could result from excessive ground movements during construction. Design the tunneling and excavation procedures (and construction sequence), and design of the temporary support system with the	TJPA	During preliminary engineering, final design & construction	TJPA	TJPA to design tunneling, excavation procedures, underpinning, strengthening existing structures or ground improvement to protect existing structures from damage

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<p>objective of controlling ground deformations within small enough levels to avoid damage to adjacent structures. Where the risk of damage to adjacent structures is too great, special measures will be implemented such as: (1) underpinning, (2) ground improvement, and/or (3) strengthening of existing structures to mitigate the risks.</p> <p>Underpinning may include internal strengthening of the superstructure, bracing, reinforcing existing foundations, or replacing existing foundations with deep foundations embedded outside the tunnel zone of influence. Alternatives, in lieu of underpinning, involve strengthening the rock between the building &amp; crown of tunnel. Grouting in combination with inclined pin piles can be used not only to strengthen the rock but make the rock mass over the tunnel act as a rigid beam, allowing construction of tunnels with no adverse effects on the buildings supported on shallow foundations over the tunnel.</p>				<p>Include provisions in contract documents requiring contractors to implement measures during construction. Monitor construction activities to insure compliance. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DBI and DPW</p>
<p><b>SG 5</b> – TJPA shall assure proper design and construction of pile supported foundations for structures to control potential settlement of the surface. Stability of excavations and resultant impacts on adjacent structures can be controlled within tolerable limits by proper design and implementation of the excavation shoring systems.</p>	TJPA	During preliminary engineering, final design & construction	TJPA	<p>TJPA to insure foundations &amp; excavation shoring systems are designed &amp; constructed to minimize &amp; control settlement &amp; impacts on adjacent structures. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DBI and DPW</p>

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<b>Utilities</b>				
<b>Util 1</b> – Coordinate with utility providers during preliminary engineering, continuing through final design and construction. Utilities would be avoided, relocated, and/or supported as necessary during construction activities to prevent damage to utility systems and to minimize disruption and degradation of utility service to local customers.	TJPA	During preliminary engineering, final design & construction	TJPA	TJPA to identify utilities; design relocations or protection measures where required; & include requirements in contract documents. Monitor construction activities to insure implementation of all required measures
<b>Cultural and Historic Resources</b>				
<b>CH 1</b> – Comply with the provision of the signed Memorandum of Agreement (MOA) between the Federal Transit Administration, the State Historic Preservation Officer, and the TJPA.	TJPA	During preliminary engineering, final design & construction	TJPA	TJPA will assure compliance with MOA provisions during preliminary engineering, final design & construction, as described below
<b>CH 2</b> – Assure supervision of all activities regarding historic preservation, historical archaeology and prehistoric archaeology is carried out by professionals meeting Secretary of the Interior’s professional qualifications standards (48 FR 44738-9).	TJPA	During preliminary engineering, final design & construction	TJPA	Prior to initiation of design & construction activities, TJPA will require submission of & review qualifications of professionals performing the MOA activities to assure that Secretary of Interior standards are met
<b>CH 3</b> – Integrate into the design of the new terminal a dedicated space for a permanent interpretive exhibit. The interpretive exhibit will include at a minimum, but is not necessarily limited to: plaques or markers, a mural or other depiction of the historic terminal, and Key System, or other interpretive material.	TJPA	During preliminary engineering & final design	TJPA	TJPA will include space for interpretive exhibit in terminal during design. Review contract documents & construction submittals & activities to insure implementation
<b>CH 4</b> – Consult with the State Department of Transportation (Department) regarding the availability of historical documentary materials and the potential use of salvaged items from the existing Transbay Terminal for the creation of the permanent	TJPA	During preliminary engineering & final design	TJPA	TJPA will consult with Department regarding availability of documentary materials & potential use of salvaged items. TJPA will invite participation

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interpretive display of the history of the original Transbay Terminal building and its association with the San Francisco-Oakland Bay Bridge and the potential salvaged items from the existing Terminal. Invitation to the Oakland Heritage Alliance, the San Francisco Architectural Heritage, the California State Railroad Museum, and the Western Railway Museum to participate in this consultation. While retaining responsibility for the development of the exhibit, TJPA will jointly consider the Department's and participating invitees' recommendations when finalizing the exhibit design. TJPA will produce, install, and maintain the exhibit.				in this review from the other designated parties. TJPA will produce, install, & maintain the exhibit in the new Transbay Terminal
<b>CH 5</b> – Consult with the City of Oakland about its interest in having a similar interpretive exhibit in the East Bay. If agreement is reached prior to completion of final design of the Transbay Terminal, TJPA will provide and deliver exhibit materials to a venue designated by the City of Oakland.	TJPA	During preliminary engineering & final design	TJPA	During preliminary engineering & final design, TJPA will consult with City of Oakland regarding its interest in establishing an exhibit. TJPA will provide & deliver exhibit materials to a venue in the City of Oakland should such an exhibit be developed
<b>CH 6</b> – Identify, in consultation with Department, elements of the existing Transbay Terminal that are suitable for salvage and interpretive use in the exhibit in the new Terminal or by museums. Within two years of signing of this agreement, TJPA will offer these items to San Francisco Architectural Heritage, the California State Railroad Museum, Sacramento, the Western Railway Museum, the Oakland Museum, and any other interested parties. TJPA will remove the items selected in a manner that minimizes damage and will deliver them with legal title to the recipient. Items not accepted for salvage or interpretive use will receive no further consideration.	TJPA	During preliminary engineering & final design	TJPA	Acceptance of items by interested parties must be completed at least 90 days prior to demolition of the Transbay Terminal
<b>CH 7</b> – Consult with Department and the Oakland Museum about contributing to Department's exhibit at the Oakland Museum relating to the history and engineering of the major historic state	TJPA	During preliminary engineering &	TJPA	TJPA will produce & deliver to the Oakland Museum agreed-upon materials for such an exhibit

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bridges of the San Francisco Bay Area. TJPA will propose contributions to such an exhibit, which may include an interpretive video that would include the history of the Transbay Terminal and the Key System. Components to such an exhibit may include photographs, drawings, videotape, models, oral histories, and salvaged components from the terminal.		final design		
<b>CH 8</b> – Assist the Oakland Museum by contributing to the cost of preparing and presenting the exhibit, as well as the costs of an exhibit catalog or related museum publication in conjunction with the exhibit, in a manner and to the extent agreed upon by TJPA, Department, and the Oakland Museum of California. TJPA has established a maximum budget of \$50,000.00 for the Oakland Museum of California exhibit and the interpretive video.	TJPA	During preliminary engineering & final design	TJPA	TJPA will work with Oakland Museum & assist in the preparation of an exhibit & an interpretive video if consultation results in agreement between TJPA & Oakland Museum prior to demolition of the existing Transbay Terminal
<b>CH 9</b> – Consult, prior to the start of any work that would have an adverse effect on historic properties, with the California SHPO to ensure that the Transbay Terminal has been adequately recorded by past efforts. Collectively, these past studies, which include Department’s past recordation of a series of remodeling and seismic retrofit projects that have occurred since 1993, may adequately document the building, making Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) documentation unnecessary. In addition, TJPA, assisted by Department, will seek to obtain the original drawings of the Transbay Transit Terminal by the architect Timothy Pflueger. If the drawings cannot be copied and included in the documentation, then TJPA will consult with SHPO regarding recordation level and specifications for completing additional documentation. When the SHPO finds the documentation to be adequate, then TJPA will compile this documentation into a comprehensive record.	TJPA	During preliminary engineering & final design	TJPA	TJPA will consult with the SHPO regarding adequacy of prior recordation efforts. TJPA will work with Department to seek original drawings of the Transbay Transit Terminal. If drawings cannot be copied & included in documentation, TJPA will consult with SHPO regarding recordation level & specifications for completing additional documentation

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<p>Submit all documentation to SHPO, and Department Headquarters Library, with xerographic copies to the History Center at the San Francisco Public Library, San Francisco Architectural Heritage, the Oakland History Room of the Oakland Public Library, the Oakland Museum of California, the Western Railway Museum, and Department District 4 Office.</p>				<p>TJPA will ensure that these records are accepted by SHPO prior to demolition of the Transbay Transit Terminal</p>
<p><b>CH 10</b> – Develop and implement measures, in consultation with the owners of historic properties immediately adjoining the construction sites, to protect the contributing elements of the Second and Howard Streets Historic District and the Rincon Point/South Beach Historic Warehouse Industrial District from damage by any aspect of the Undertaking. Such measures will include, but are not necessarily limited to those identified in this Mitigation Monitoring Plan.</p>	TJPA	<p>During preliminary engineering final design, &amp; construction</p>	TJPA	<p>As part of its overall outreach efforts, TJPA will contact owners of record of historic properties that will be affected (but that will not be acquired &amp; demolished) by the Project. TJPA will provide &amp; review this mitigation monitoring program with the owners via correspondence and/or public and face-to-face meetings. TJPA will coordinate these efforts with the CCSF Planning Department</p>
<p><b>CH 11</b> – Assure, prior to the start of any work that would have an adverse effect on historic properties, that the three historic properties to be demolished are recorded in accordance with HABS/HAER standards, as appropriate. These buildings are:</p> <ul style="list-style-type: none"> <li>o 191 2nd Street, (APN: 3721-022),</li> <li>o 580-586 Howard Street, (APN: 3721-092 through 3721-106), and</li> <li>o 165-173 2nd Street, (APN: 3721-025)</li> </ul> <p>All documentation will be submitted to SHPO, with xerographic copies to the History Center at the San Francisco Public Library, San Francisco Architectural Heritage, and the Oakland History Room of the Oakland Public Library. TJPA will ensure that these HABS/HAER records are accepted by NPS prior to</p>	TJPA	<p>During preliminary engineering &amp; final design</p>	TJPA	<p>TJPA shall prepare recordation documents in accordance with HABS/HAER standards. TJPA will coordinate these efforts with the CCSF Planning Department. TJPA shall contract the HABS/HAER branch of the National Park Service to obtain guidance regarding level of recordation &amp; specifications for completing the documentation</p>

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carrying out any other treatment.				
<b>CH 12</b> – Repair, in accordance with the Secretary of the Interior’s Standards for Rehabilitation, of any damage to contributing elements of the Second and Howard Streets Historic District and the Rincon Point/South Beach Historic Warehouse Industrial District resulting from the Undertaking. If repair of inadvertent damage is necessary, TJPA will submit plans to the SHPO for review and comment to ensure conformance with the Secretary of the Interior’s Standards for Rehabilitation.	TJPA	Prior to, during, and following construction	TJPA	Condition of contributing properties will be photographed prior to the start of the Project to establish the baseline condition for assessing damage. TJPA will coordinate these efforts with the CCSF Planning Department. To record existing conditions, TJPA will consult with property owner(s) about the appropriate level of photographic documentation of building interiors and exteriors. A copy of this photographic documentation will be provided to the property owner(s), & will be retained on file by TJPA
<b>CH 13</b> – Prepare a comprehensive Research Design/Treatment Plan for archeological resources prepared by a qualified consultant. The Research Design/Treatment Plan will be consistent with the Secretary of the Interior’s Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and take into account the ACHP publication, Treatment of Archaeological Properties: A Handbook (ACHP 1980), and SHPO guidelines. The Research Design/Treatment Plan will include, at a minimum:	TJPA	During preliminary engineering	TJPA	TJPA will assure completion of comprehensive research design/treatment plan consistent with the content required in the MOA. TJPA shall transmit this plan to the signatories of the MOA. TJPA will also coordinate these efforts with the CCSF Planning Department
<ul style="list-style-type: none"> <li>○ An historical context for the Area of Potential Effects for Archaeological Resources (APEAR).</li> <li>○ A research context for the APEAR, identifying expected archeological property types and developing research themes, questions, and data needs.</li> <li>○ A testing/data recovery plan that will specify, at minimum:</li> </ul>	TJPA	During design &	TJPA	TJPA will assure compliance with the testing/data recovery plan once

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<ul style="list-style-type: none"> <li>➤ The properties or portion of properties where evaluation and/or data recovery are to be carried out;</li> <li>➤ The properties, if any, that will be affected by the Undertaking but for which no data recovery will be carried out;</li> <li>➤ The manner in which inadvertent discoveries will be treated;</li> <li>➤ The methods to be used for data recovery, with an explanation of their relevance to the research questions/themes;</li> <li>➤ The methods to be used in cataloguing, analysis, data management, and dissemination of data;</li> <li>➤ The proposed disposition of recovered materials and records, including discard and deaccession;</li> <li>➤ The manner in which any human remains and associated/unassociated funerary objects, including those of Native American or Native Hawaiian origin, will be treated;</li> <li>➤ The security procedures to be undertaken to protect the archeological testing/data recovery site from vandalism, theft, or unintended damage;</li> <li>➤ The final report summarizing, describing and interpreting the results of testing/data recovery;</li> <li>➤ The measures to be undertaken to ensure curation of recovered data determined to have appropriate research potential.</li> <li>➤ Research Design/Treatment Plan Review</li> </ul>	TJPA	During preliminary	TJPA	finalized. TJPA will coordinate these efforts with the CCSF Planning Department
<b>CH 14</b> – Submit the Research Design/Treatment Plan to all parties to the MOA for a thirty (30) calendar day review	TJPA	During preliminary	TJPA	TJPA will submit the Research Design/Treatment Plan to the

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following receipt of the Plan.		engineering phase		signatories of the MOA. TJPA will coordinate these efforts with the CCSF Planning Department. If any party fails to submit their comments within thirty (30) days, TJPA may assume that party's concurrence with the Research Design/ Treatment Plan. TJPA will take any review comments into account, revise the Research Design/Treatment Plan accordingly, & will notify any party whose comments were not incorporated into the Plan
<b>CH15</b> – In consultation with FTA and SHPO, re-evaluate the Bay Bridge, a property listed on the NRHP, and determine whether the National Register nomination should be amended or whether the bridge no longer qualifies for listing and should be removed from the National Register.	TJPA	Within 180 days after FTA determines that the Project has been completed	FTA/SHPO	As appropriate, TJPA will prepare and submit to the FTA and SHPO either an amended nomination or petition for removal, to be processed according to the procedures set forth in 36 CFR Part 60(60.14 and 60.15)
<b>CH16</b> – In consultation with FTA and SHPO, re-evaluate the Second and Howard Streets Historic District and determine whether the National Register nomination should be amended or whether the district no longer qualifies for listing and should be removed from the National Register.	TJPA	Within 180 days after FTA determines that the Project has been completed	FTA/SHPO	As appropriate, TJPA will prepare and submit to the FTA and SHPO either an amended nomination or petition for removal, to be processed according to the procedures set forth in 36 CFR Part 60(60.14 and 60.15). TJPA will coordinate these efforts with the CCSF Planning Department

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<b>Hazardous Materials/Waste – Operations</b>				
<b>HWO 1</b> – Construct and operate any Caltrain fueling facility in compliance with local, state and Federal regulations regarding handling and storage of hazardous materials.	Caltrain Joint Powers Board (JPB)	During construction and operation	TJPA	Review design and contract documents to insure compliance with all applicable regulations. Obtain all applicable permits. Inspect construction to insure compliance with contract documents and regulations. Inspect operations, & comply with all permitting & reporting requirements
<b>HWO 2</b> – Equip diesel fuel pumps with emergency shut-off valves and, in compliance with U.S. EPA requirements, fuel Underground Storage Tanks (USTs) would be equipped with leak detection and monitoring systems.	JPB	During operation	TJPA	Review design & contract documents to insure compliance with all applicable regulations. Obtain all applicable permits. Inspect construction to insure compliance with contract documents and regulations. Inspect operations, & comply with all permitting & reporting requirements
<b>HWO 3</b> – Employ the use of secondary containment systems for any aboveground storage tanks.	JPB	During operations	TJPA	Secondary containment to be included in facility design & construction & maintained during operations
<b>HWO 4</b> – Store cleaning solvents in 55-gallon drums, or other appropriate containers, within a bermed area to provide secondary containment.	JPB	During operations	TJPA	Inspect operations, & comply with all permitting & reporting requirements
<b>HWO 5</b> – Slope paved surfaces within the fueling facility and the solvent storage area to a sump where any spilled liquids could be recovered for proper disposal.	JPB	During construction & operations	TJPA	Sloped paved surfaces and sump to be included in facility design
<b>HWO 6</b> – Follow California OSHA and local standards for fire protection and prevention for the handling and storage of fuels and solvents.	JPB	During operation	TJPA	Review design & contract documents to insure compliance with all applicable regulations. Obtain all applicable permits. Inspect

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<b>MITIGATION MEASURE</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring Responsibility</b>	<b>Monitoring Actions/Schedule</b>
<b>HWO 7</b> – Prepare a Hazardous Materials Management/ Business Plan and file with the CCSF Department of Public Health.	JPB	During final design	TJPA	construction to insure compliance with contract documents & regulations. Inspect operations, & comply with all permitting & reporting requirements  JPB to prepare and TJPA to file Hazardous Materials Management/ Business Plan with CCSF Department of Public Health (DPH)
<b>Hazardous Materials/Waste – Construction</b>				
<b>HMC 1</b> – Follow California OSHA and local standards for fire protection and prevention. Handling and storage of fuels and other flammable materials during construction will conform to these requirements, which include appropriate storage of flammable liquids and prohibition of open flames within 50 feet of flammable storage areas.	TJPA	During construction	TJPA	Review design & contract documents to insure compliance with all applicable regulations. Obtain all applicable permits. Inspect construction to insure compliance with contract documents & regulations
<b>HMC 2</b> – Perform detailed investigations of the potential presence of contaminants in soil and groundwater prior to construction, using conventional drilling, sampling, and chemical testing methods. Based on the chemical test results, a mitigation plan will be developed to establish guidelines for the disposal of contaminated soil and discharge of contaminated dewatering effluent, and to generate data to address potential human health and safety issues that may arise as a result of contact with contaminated soil or groundwater during construction. The investigation and mitigation plan will follow the requirements of the City and County of San Francisco’s Article 22A in the appropriate areas along the alignment.	TJPA	During construction	TJPA	Review design & contract documents to insure compliance with all applicable regulations. Obtain all applicable permits. Inspect construction to insure compliance with contract documents & regulations. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DPH and DPW

With construction projects of this nature and magnitude, there are

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<p>typically two different management strategies that can be employed to address contaminated soil handling and disposal issues. Contaminated soil can be excavated and stockpiled at a centralized location and subsequently sampled and analyzed for disposal profiling purposes in accordance with the requirements of the candidate disposal landfill. Alternatively, soil profiling for disposal purposes can be done in-situ so when soil is excavated it is loaded directly on to trucks and hauled to the appropriate landfill facility for disposal based on the in-situ profiling results. A project of this nature could also combine both strategies.</p>				
<p><b>HMC 3</b> – Cover with plastic sheeting soils removed during excavation and grading activities that remain at a centralized location for an extended period of time to prevent the generation of fugitive dust emissions that migrate offsite.</p>	TJPA	During construction	TJPA	Review design & contract documents to insure compliance. Obtain all applicable permits. Inspect construction to insure compliance with contract documents & regulations
<p><b>HMC 4</b> – Use a licensed waste hauler, applying appropriate manifests or bill of lading procedures, as required to haul soil for disposal at a landfill or recycling facility.</p>	TJPA	During construction	TJPA	Review design & contract documents to insure compliance. Obtain all applicable permits. Inspect construction to insure compliance with contract documents & regulations
<p><b>HMC 5</b> – Use chemical test results for groundwater samples along the alignment to obtain a Batch Discharge Permit under Article 4.1 of the San Francisco Department of Public Works as well as to evaluate requirements for pretreatment prior to discharge to the sanitary sewer. Effluent produced during the dewatering of excavations will be collected in onsite storage tanks and periodically tested, as required under discharge permit requirements, for potential contamination to confirm the need for any treatment prior to discharge.</p>	TJPA	During construction	TJPA	Review design & contract documents to insure compliance. Obtain all applicable permits. Inspect construction to insure compliance with contract documents & regulations. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DPH and DPW

If required, treatment may include:

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<ul style="list-style-type: none"> <li>○ Settling to allow particulate matter (total suspended solids) to settle out of the effluent in order to reduce the sediment load as well as reduce elevated metal and other contaminant concentrations that may be associated with suspended sediments; and/or</li> <li>○ Construction of a small-scale batch waste water treatment system to remove dissolved contaminants (mainly organic constituents such as petroleum hydrocarbons (gas, diesel, and oils), BTEX, and VOCs) from the dewatering effluent prior to discharge to the sanitary sewer. A treatment system would also likely employ the use of filtration to remove suspended solids.</li> </ul>	TJPA	During final design	TJPA	Review detailed mitigation plan, include provisions in contract documents & inspect construction to insure compliance. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DPH and DPW. Obtain all applicable permits
<p><b>HMC 6</b> – Develop a detailed mitigation plan for the handling of potentially contaminated soil and groundwater prior to starting project construction.</p>	TJPA	During final design & construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DPH and DPW
<p><b>HMC 7</b> – Design dewatering systems to minimize downward migration of contaminants that can result from lowering the water table if necessary based on environmental conditions. As necessary, shallow soils with detected contamination would be dewatered first using wells screened only in those soils. Dewatering of deeper soils would then be performed using wells screened only in the zone to be dewatered. Dewatering wells would be installed using drilling methods that prohibit shallow contaminated soils from being carried deeper into the boreholes.</p>	TJPA	During final design & construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DPH and DPW

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<p><b>HMC 8</b> – Require that workers performing activities on site that may involve contact with contaminated soil or groundwater have appropriate health and safety training in accordance with 29 CFR 1910.120.</p> <p>A Worker Health and Safety Plan (HSP) will be developed for the project and monitored for the implementation of the plan on a day-to-day basis by a Certified Industrial Hygienist (CIH). The HSP will include provisions for:</p> <ul style="list-style-type: none"> <li>o Conducting preliminary site investigations and analysis of potential job hazards;</li> <li>o Personnel protective equipment;</li> <li>o Safe work practices;</li> <li>o Site control;</li> <li>o Exposure monitoring;</li> <li>o Decontamination procedures; and</li> <li>o Emergency response actions.</li> </ul> <p>The HSP will specify mitigation of potential worker and public exposure to airborne contaminant migration by incorporating dust suppression techniques in construction procedures. The plan will also specify mitigation of worker and environmental exposure to contaminant migration via surface water runoff pathways by implementation of comprehensive measures to control drainage from excavations and saturated materials excavated during construction.</p>	TJPA	During construction	TJPA	Provide health and safety training prior to start of & at timely intervals during construction. Include requirements in contract documents & monitor construction activities to insure compliance
<p><b>HMC 9</b> – Review existing asbestos surveys, abatement reports, and supplemental asbestos surveys, as warranted. Perform an asbestos survey for building to be demolished, as required. Asbestos-containing building materials (ACM) will require abatement prior to building demolition. Removal and disposal of</p>	TJPA	During preliminary engineering, final design & construction	TJPA	Determine extent of ACM throughout project site. Perform abatement work prior to demolition. Include all regulatory requirements in contract documents & inspect construction to

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ACM will be performed in accordance with applicable local, state, and federal regulations.		phases		insure compliance. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DPH. Obtain all applicable permits
<b>HMC 10</b> – Perform a lead-based paint survey for buildings to be demolished to determine areas where lead-based paint is present and the possible need for abatement prior to demolition.	TJPA	During preliminary engineering prior to building demolitions	TJPA	Determine extent of lead contamination throughout project site. Perform abatement work prior to demolition if necessary. Include all regulatory requirements in contract documents & inspect construction to insure compliance. Where applicable, coordinate with CCSF departments with jurisdiction over activities, such as DPH. Obtain all applicable permits
<b>Pedestrians</b>				
<b>Ped 1</b> – Use future construction or redevelopment as opportunities to increase building set-backs thereby increasing sidewalk widths. Particular areas where such widening is most needed include:	Agency and CCSF	During future project reviews in Transbay Terminal area	Agency & CCSF	TJPA will forward guidance to Agency, CCSF Planning Department and DPW
<ul style="list-style-type: none"> <li>○ The southeast corner of Fremont and Mission Streets,</li> <li>○ The northeast corner of First and Mission Streets,</li> <li>○ The north side of Mission Street between First and Fremont, and</li> <li>○ Sidewalks south of Howard Street along Folsom, First, Fremont, and Beale that are less than 10 feet wide.</li> </ul>				
<b>Ped 2</b> – Eliminate or reduce sidewalk street furniture such as newspaper boxes and magazine racks in the immediate Transbay Terminal area on corners.	Agency & CCSF	Prior to opening of new Transbay Terminal	Agency & CCSF	TJPA will forward guidance to Agency, CCSF Planning Department and DPW
<b>Ped 3</b> – Retime traffic light signalization. This could improve	CCSF	Prior to opening	CCSF	TJPA will forward guidance to CCSF

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pedestrian levels of service at each of the intersections studies that fall into LOS F.		of new Transbay Terminal		DPT
<b>Ped 4</b> – Provide crosswalk signalization at intersections where they do not exist already, such as Folsom and Beale Streets.	CCSF	Prior to opening of new Transbay Terminal	CCSF	TJPA will forward guidance to CCSF DPT
<b>Ped 5</b> – Provide cross-walk count-down signals at intersections and cross-walks immediately surrounding the new Transbay Terminal.	CCSF	Prior to opening of new Transbay Terminal	CCSF	TJPA will forward guidance to CCSF DPT
<b>Ped 6</b> – Ensure that Transbay Terminal design increases corner and sidewalk widths at the four intersections immediately surrounding the Transbay Terminal.	TJPA & CCSF DPW	During Transbay Terminal design phase	TJPA	TJPA and CCSF DPW, where applicable, to include sidewalk width expansion during preliminary & final design of new Transbay Terminal
<b>Ped 7</b> – Provide lights within crosswalks to warn when pedestrians are present in the crosswalk, such as at the cross-walk associated with the mid-block bus loading area.	TJPA	Prior to opening of new Transbay Terminal	TJPA	TJPA to work with CCSF DPT to install cross-walk warnings
<b>Pre-Construction Activities</b>				
<b>PC 1</b> – Complete a pre-construction building structural survey to determine the integrity of existing buildings adjacent to and over the proposed Caltrain Downtown Extension. Use this survey to finalize detailed construction techniques along the alignment and as the baseline for monitoring construction impacts during and following construction.	TJPA	Prior to preliminary engineering, final design and construction	TJPA	TJPA to perform building surveys during preliminary engineering. TJPA to include measures to protect existing buildings in final design & construction documents  TJPA to review design submittals, contract documents and construction activities to insure implementation
<b>PC 2</b> – Contact and interview individual businesses along the Caltrain Extension alignment to gather information and develop an understanding of how these businesses carry out their work. This survey will identify business usage, delivery/shipping patterns, and critical times of the day or year for business activities. Use this information to assist in: (a) the identification	TJPA	During preliminary engineering, final design & construction		TJPA to perform business activity survey during preliminary engineering. TJPA to include measures to maintain business activities & access in final design and construction documents

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of possible techniques during construction to maintain critical business activities, (b) analyze alternative access routes for customers and deliveries to businesses, (c) develop traffic control and detour plans, and (d) finalize construction practices.				TJPA to review design submittals, contract documents and construction activities to insure implementation
<b>PC 3</b> – Complete detailed geotechnical investigation, including additional sampling (drilling and core samples) and analyses of subsurface soil/rock conditions. Use this information to design the excavation and its support system to be used in the retained cut, cut-and-cover, and tunnel portions of the Caltrain Downtown Extension.	TJPA	During preliminary engineering & final design	TJPA	TJPA to obtain necessary permits from CCSF prior to performing drilling. TJPA to perform detailed geotechnical investigation during preliminary engineering  TJPA to review design submittals, contract documents & construction activities to insure proper utilization of information obtained during investigation
<b>PC 4</b> – Establish community construction information/ outreach program to provide on-going dialogue among the TJPA and the affected community regarding construction impacts and possible mitigation/solutions. Include dedicated personnel for an outreach office in the construction area to deal with construction coordination.	TJPA	During construction	TJPA	TJPA to establish program during final design prior to construction
<b>PC 5</b> – Establish site and field offices located along the Caltrain Downtown Extension alignment. Field office staff, in conjunction with other staff, will:  <ul style="list-style-type: none"> <li>o Provide the community and businesses with a physical location where information pertaining to construction can be exchanged,</li> <li>o Enable TJPA and JPB to better understand community/business needs during the construction period,</li> <li>o Allow TJPA and JPB to participate in local events in an effort to promote public awareness of the project,</li> </ul>	TJPA & JPB	During construction	TJPA	TJPA to establish program during final design & continue during construction

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<ul style="list-style-type: none"> <li>○ Manage construction-related matters pertaining to the public,</li> <li>○ Notify property owners, residences, and businesses of major construction activities (e.g., utility relocation/disruption and milestones, re-routing of delivery trucks),</li> <li>○ Provide literature to the public and press,</li> <li>○ Promote and provide presentations on the project via a Speakers Bureau,</li> <li>○ Respond to phone inquires,</li> <li>○ Coordinate business outreach programs,</li> <li>○ Schedule promotional displays, and</li> <li>○ Participate in community committees.</li> </ul>	TJPA	During construction	TJPA	TJPA to establish informational “Hot Line” during final design & continue during construction
<p><b>PC 6</b> – Implement an information phone line to provide community members and businesses the opportunity to express their views regarding construction. Review calls received and, as appropriate, forward the message to the necessary party for action (e.g., utility company, fire department, the Resident Engineer in charge of construction operations). Information available from the telephone line will include current project schedule, dates for upcoming community meetings, notice of construction impacts, individual problem solving, construction complaints and general information. Phone service would be provided in English, Cantonese, and Spanish and would be operated on a 24-hour basis.</p>	TJPA	During construction	TJPA	TJPA to establish informational “Hot Line” during final design & continue during construction
<p><b>PC 7</b> – Develop traffic management plans. Traffic management plans to maintain access to all businesses will be prepared for areas affected by surface or cut-and-cover construction. In addition, daily cleaning of work areas would be performed by contractors for the duration of the construction period. Provisions would be contained in construction contracts to</p>	TJPA	During preliminary engineering, final design & construction	TJPA	TJPA to forward traffic management plans to CCSF DPT for review & approval. Include all requirements in construction documents & inspect implementation during construction

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require the maintenance of driveway access to businesses to the extent feasible.				
<b>General Construction Measures</b>				
<b>GC 1</b> – Disseminate information to community in a timely manner regarding anticipated construction activities.	TJPA	During construction	TJPA	TJPA to initiate program during final design & continue during construction
<b>GC 2</b> – Provide signage. Work with establishments affected by construction activities to develop appropriate signage for display that directs both pedestrian and vehicular traffic to businesses via alternate routes.	TJPA	Prior to & during construction	TJPA	TJPA to initiate signage program during final design and monitor contractors' installation during construction
<b>GC 3</b> – Install level deck. Install decking at the cut-and-cover sections to be flush with the existing street or sidewalk levels.	TJPA	During construction	TJPA	TJPA to design flush decking during preliminary & final design, include in construction documents & insure installation during construction
<b>GC 4</b> – Provide for efficient sidewalk design and maintenance. Wherever feasible, maintain sidewalks at the existing width during construction. Where a sidewalk must be temporarily narrowed during construction (e.g., deck installation), restore it to its original width during the majority of construction period. (In some places this may require placing the temporary sidewalk on the deck.) Each sidewalk design should be of good quality and approved by the Resident Engineer prior to construction. Handicapped access will be maintained during construction where feasible.	TJPA	During preliminary engineering & construction	TJPA	TJPA to work with CCSF DPW on design of sidewalk plans during preliminary & final design & insure installation during construction
<b>GC 5</b> – Provide construction site fencing of good quality, capable of supporting the accidental application of the weight of an adult without collapse or major deformation. Where covered walkways or other solid surface fencing is installed, establish a program to allow for art work (e.g., by local students) on the surface(s).	TJPA	During design & construction	TJPA	TJPA to work with CCSF DPW, incorporate requirements in construction documents and inspect installation during construction

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<b>Air Emissions – Construction</b>				
AC 1 – Assure that, as part of the contract provisions, the project contractor is required to implement the measures below at all project construction sites.				
AC 2 – Water all active construction areas at least twice daily. Ordinance 175-91, passed by the San Francisco Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities; therefore the project contractor would be required to obtain reclaimed water from the City's Clean Water Program or other appropriate sources.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
AC 3 – Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
AC 4 – Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
AC 5 – Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
AC 6 – Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
AC 7 – Install sandbags or other erosion control measures to prevent silt runoff to public roadways.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
AC 8 – Replant vegetation in disturbed areas as quickly as possible.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
AC 9 – Minimize use of on-site diesel construction equipment,	TJPA	During	TJPA	Include requirements in contract

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particularly unnecessary idling.		construction		documents & monitor construction activities to insure compliance
<b>AC 10</b> – Shut off construction equipment to reduce idling when not in direct use.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
<b>AC 11</b> – Where feasible, replace diesel equipment with electrically powered machinery.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
<b>AC 12</b> – Locate diesel engines, motors, or equipment as far away as possible from existing residential areas.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
<b>AC 13</b> – Properly tune and maintain all diesel power equipment.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
<b>AC 14</b> – Suspend grading operations during first and second stage smog alerts, and during high winds, i.e., greater than 25 miles per hour.	TJPA	During & following construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
<b>AC 15</b> – Upon completion of the construction phase, buildings with visible signs of dirt and debris from the construction site shall be power washed and/or painted (given that permission is obtained from the property owner to gain access to and wash the property with no fee charged by the owner).	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
<b>Visual/Aesthetics – Construction</b>				
<b>VA 1</b> – Assure that construction crews working at night direct any artificial lighting onto the work site in order to minimize "spill over" light or glare effects on adjacent areas.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance
<b>VA 2</b> – Assure that contractors make all efforts possible to minimize specific aesthetic and visual effects of construction identified by neighborhood businesses and residents.	TJPA	During construction	TJPA	Include requirements in contract documents & monitor construction activities to insure compliance

**From:** [Conine-Nakano, Susanna \(MYR\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Cc:** [Paulino, Tom \(MYR\)](#); [Dahl, Bryan \(BOS\)](#); [Geithman, Kyra \(MYR\)](#); [Nickolopoulos, Sheila \(MYR\)](#); [Gluckstein, Lisa \(MYR\)](#)  
**Subject:** Mayor -- Resolution-- Transbay 2 East  
**Date:** Tuesday, March 7, 2023 4:28:09 PM  
**Attachments:** [Mayor -- Resolution-- Transbay 2 East.zip](#)

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Hello Clerks,

Attached for introduction to the Board of Supervisors is a Resolution authorizing the Mayor's Office of Housing and Community Development on behalf of the City and County of San Francisco to execute a grant application, as defined herein, under the Department of Housing and Community Development Affordable Housing and Sustainable Communities ("AHSC") Program as a joint applicant with Mercy Housing California, for the 100% affordable housing project identified as Transbay 2 East Family; authorizing the City to assume any joint and several liability for completion of the projects required by the terms of any grant awarded under the AHSC Program; and adopting findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31.

Please note that Supervisor Dorsey is a co-sponsor of this legislation.

Best,  
Susanna

Susanna Conine-Nakano  
Office of Mayor London N. Breed  
City & County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 200  
San Francisco, CA 94102  
415-554-6147